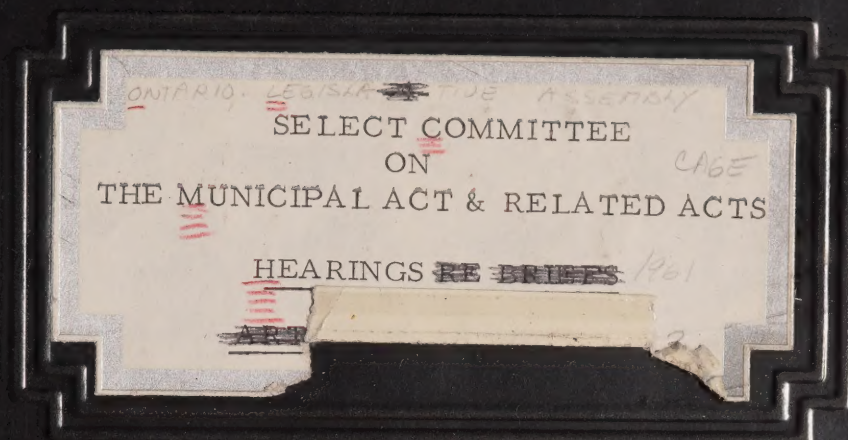


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LEGISLATIVE ASSEMBLY OF ONTARIO
 THE TWENTY-SEVENTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT

AND RLLATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

WEDNESDAY,
 AUGUST 8th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

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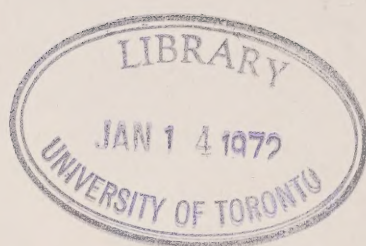
Alfred H. Cowling
 Arthur Evans
 George T. Gordon
 Ron K. McNeil
 Donald H. Morrow
 Vernon M. Singer

APPEARANCE:

Hon. W.M. Nickle
 Mayor Wm T. Mills
 Alderman R.E. McCullough
 Alderman G. Vosper
 Alderman G. Webb
 T.J. McKibbin
 Hugh F. Gibson, Q.C.

PRESENTATION:

THE CITY OF KINGSTON - BRIEF



CITY OF KINGSTONHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr Nickle, would you like to come up here? I understand you are going to introduce the delegation from Kingston. We are glad to have you here and you need no introduction. You may proceed.

HON. W. NICKLE: Well Mr Beckett, My Colleagues, Ladies and Gentlemen, it's a very great pleasure and indeed a privilege for me today to introduce the delegation from Kingston, who are going to submit for your favourable consideration, a Brief, having regard to certain amendments that this historic Riding that I represent, think should be incorporated by way of amendments into the Municipal Act. Now we come here today, realizing perhaps that a delegation who are the representatives of the people, and we also have with us a very young and charming daughter of His Worship, Mayor Mills, Sherry, who is down in the back there, and may I say to you, Mr Beckett and My Colleagues, she is very fortunate that she doesn't look like her father, but is the spit of her mother; and so I say to you, Sherry, when you go back to Kingston, you can say you have received a very warm and affectionate welcome from my colleagues in the Government who are on this Committee. (applause) Now our delegation is headed by His Worship, the Mayor, William Mills. He has with him three elected municipal officials, Mr George Foster, Alderman Ross McCullough and Alderman George Webb; we also have, as you know, Mr Beckett, a very capable City Solicitor, Mr Hugh Gibson and with his knowledge of municipal law, to say nothing of your own, I am sure between you, you can work out a formula that will be really worth while in regard to these suggestions we have here, as I say, amendments to the Municipal Act. We have the Clerk-Comptroller with us, Mr Terry McKibbin; I met him this morning in the lobby of the Royal York, and from then to now he seems to think he is like Daniel in the lion's den, because I haven't seen him smile since he got to Toronto (laughter) he is going to part in the presentation of this Brief, and you will find in Mr McKibbin, in my opinion, he is one of the most able and upstanding municipal employees that you could find anywhere in the Province of Ontario. In

my book, he certainly knows what he's talking about. Now it's not for me to say, but on the other hand, Mr Beckett, it's reasonable for me to suggest that what we have here by way of submissions, are what we think are worthy of a little bit more of what I would term cursory consideration; these are very important and far reaching and will produce savings, if the changes take place. I have read this Brief, and it seems to me the most contentious thing that we are suggesting, by inference indeed that any commission or board for whom a municipality has to raise taxes, as far as their budget is concerned, should be subject to review, which means, as I gather it, that should the Board of Education demand a certain amount of money, that should the amendment receive favourable consideration by the Report from this Committee to Parliament, then when a Board of Education may suggest that they want to have in their budget sums which the people who have to raise the money think is exorbitant or high, at the moment they can't do anything but raise it. Now these elected representatives, His Worship, Mr Mills and the Alderman, Mr Vosper and Mr McCullough and Mr Webb, they each have something to say as the Brief goes along, and I think also Mr McKibbin, and if they run into deep waters, Sir, if you and Mr Gibson with your knowledge of municipal law, that you will be able to ask questions and will put them right on course. So, Sir, with that approach, I now give you the delegation from Kingston.

MR BECKETT: Thank you, Mr Nickle, and don't go away. Well Mr Mayor, would you like to tell the Committee how you want to present your Brief- do you want to lead off or... Mr Gibson would you like to come up too?

MR GIBSON: Well I'm not taking any part in it-the elected representatives, I believe, are going to make the submission.

MAYOR MILLS: Mr Nickle, I want to thank you for your very kind introduction. Mr Beckett, Ladies and Gentlemen, it gives me a great deal of pleasure to lead off with the submission of the City of Kingston. It's our thought that we would ask each member of the Council and Mr McKibbin to deal with various parts of this submission. I would like to ask you, do you wish to have each of the suggested amendments read, or would you....

MR BECKETT: It wouldn't take too long to hear the

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suggested amendments, would it?

MR MILLS: Well, Alderman Vosper is going to give the first of them.

ALDERMAN VOSPER: Mr Chairman, the first amendment deals with the Assessment Act-in section (a), para 2 of our Brief provides that (reads) "That Section 35 (4) be amended..... on them." Now the feeling here, Mr Chairman, is that where an owner allows a very real depreciation of other property, due to the delapidation of his buildings, that there shall be a penalty assessed on him equal to the amount lost in assessment to the municipality. And this would be an incentive for owners from the practice of allowing buildings to become delapidated so that they would be exempt for a certain portion of the taxes.

MR BECKETT: Or tear them down.

ALDERMAN VOSPER: Yes, or tear them down.

MR MORROW: Is this prevalent, Mr Vosper...a prevalent practice?

ALDERMAN VOSPER: The Court of Revision in Kingston has, on occasions, reduced the assessment by as much as 10%, due to the delapidated buildings, and....

MR MORROW: Deliberately done by the owner, is that it?

ALDERMAN VOSPER: Well, in some cases....it is more a case of neglect and on properties where the owner allows these properties to go down because he has some future use for it; in the neighbourhood it becomes a detriment to the neighbourhood.

MR BECKETT: It would be pretty hard to prove it was deliberate.

ALDERMAN VOSPER: Yes. I doubt it could be proven as deliberate; but whether it's deliberate or not, it is a very real depreciation of the other property and a penalty such as this would tend to create an incentive for them to keep their property up.

MR BECKETT: So that you would say that a vacant house should be kept up?

ALDERMAN VOSPER: That's correct. But the way the Assessment Act is now, the person who improves his property, keeps his property up well, is assessed more than the person who allows his to run

down.

MR EVANS: Well, there must be a reason behind this that he lets his buildings run down.

ALDERMAN VOSPER: Well this certainly could be used if a person wanted to acquire a number of properties, it would make it untenable for the adjacent properties.

MR COWLING: Is this quite a big problem in Kingston?

ALDERMAN VOSPER: There are some properties where this is a problem. There was one street...the Court of Revision allowed a total reduction of about \$2000 in assessment, which if it were applied to the delapidated building, it would have increased their taxes by approximately \$150. This was where the residents adjacent appealed their assessment on the basis of the delapidated building.

MR BECKETT: Could you suggest how you would word an amendment for such a thing? There would have to be some direction for the assessor.

ALDERMAN VOSPER: There would have to be a direction, say in principle, and it was that the amount that was apportioned as a reduction of assessment would be assessed against the owner of the delapidated building. I wouldn't attempt to word the amendment--there are many much better qualified here....

MR BECKETT: Oh, I don't know, with your experience, you would be very capable. You may proceed.

ALDERMAN VOSPER: The second section...the second recommendation is (b) (reads) "Section 35 (2) be amended.....of the surrounding properties." And the thought is here that on some of the larger original lots which add to the open space and park like nature of a neighbourhood, that these, by burden of taxation- land taxation- they are dividing these large lots, which mean more services, the undivided lot has no additional services, such as education, sewers etc, and that there be reduction in taxation on the amount of lot over and above what would be required for that building; and in some cases, these large lots which are a carry over from some years ago, had by virtue of the burden of taxation, had to be re-subdivided, reducing the general appearance of the neighbourhood.

MR BECKETT: Some of the municipalities around Metro

with the development of a better Planning Act, had half acre lots, and that might apply to these.

ALDERMAN VOSPER: This might apply- it would mean additional planning for the planning people- and could be added to the adjacent property, as far as real value is concerned. The large estates and the large homes are penalized by virtue of this large amount of land; at the present taxation rate, it is very difficult for the present owners and for their successors too, to maintain these estates. And they do add to the parklike nature of the surrounding neighbourhood.

MR BECKETT: Has Kingston got an official plan?

ALDERMAN VOSPER: We have an official plan for the annexed area; we're in the process of getting an official plan and a revision of the zoning bylaws for the old city, based on the recent planning studies done by Professor ^{Sims} Smith.

MR EVANS: This would give an assessor quite a big hand; who's to say whether this land is used for parks or green spaces in the municipality or not? Are you going to leave it up to the assessor to do this or see...?

ALDERMAN VOSPER: It's up to the assessor at the present time and he could adhere to it that it is landscaped residential park.

MR BECKETT: Then without an official plan, you wouldnt have any land use designated-any by-laws which would be of assistance to the assessor.

ALDERMAN VOSPER: This would probably land zoned as residential.

MR BECKETT: But you really should have the official plan.

ALDERMAN VOSPER: I cant see where this would help the assessor really in this case.

MR BECKETT: Well the farmers are arguing that the bylaws should designate the use of land.

ALDERMAN VOSPER: The assumption here was that the.... well it would be in residential neighbourhoods. The wording of this is "landscaped residential lots which are larger than required by the zoning by-laws." This presupposes that there are zoning by-laws there.

MR BECKETT: Do you think that would work, Mr Taylor, unless you had an.....

MR TAYLOR: Well first of all, we're getting a frontage which is not depth...I think quite often the assessor now does take into consideration the normal depth...is that not correct?

ALDERMAN VOSPER: That's right.

MR TAYLOR: But here you're dealing with frontages, and I presume by this you maintain that this particular property increases the value of other properties, then you are getting the benefit of the assessment on those properties that have been increased in value because of this property (yes) and that this property should be compensated. The only way I can see is to have something along the idea of depth to apply to width.

ALDERMAN VOSPER: That was exactly what was intended, where it is over and above what is required for that area.

MR TAYLOR: It may be required a 50 ft lot or 75 or 100 ft lot; this may be 150 feet. Or it may be too small for two lots and too big for one. Or they may be holding two lots or three lots.

ALDERMAN VOSPER: You can have the occasion of a very fine residence on one of these lots, which by virtue of the economics of paying taxes on the total amount of land they have, it's impractical for a single family dwelling; and therefore the residence is torn down and replaced by an apartment house, which depreciates the adjoining.....

MR TAYLOR: Or two smaller houses.

ALDERMAN VOSPER: Yes. Usually it's an apartment house I would submit, Mr Chairman.

MR TAYLOR: Well, it would apply to residential areas; would these be areas which are redeveloping into multiple family uses or are they the higher class...the family residential areas?

ALDERMAN VOSPER: This I would think...the way this was intended was in the already built-up areas, where there are large lots which go back to, sometimes as far back as Confederation, with large buildings and these certainly could not be redeveloped as single family areas.

MR TAYLOR: The change in use from the single family to the multiple family purposes-would your zoning permit that then? And if so would a person be buying these big properties to hold for speculation and in the interim receive a benefit- a tax benefit?

ALDERMAN VOSPER: He would receive a tax benefit if...I would assume that we're talking about an owner occupancy initially; however, I can see where an owner could buy these and utilize the legislation for tax benefits while he held it, and as long as he did hold it, but the landscaped large lot would still be of benefit to the neighbourhood regardless; and once he redivided it, then he would lose the tax benefit; and I don't think this would happen in any amount of cases; and as long as he does hold it, it doesn't matter who the ownership is in as long as the open space is available to the neighbourhood, or of benefit to the neighbourhood. Our submission under (c) of the Assessment Act is (reads) "Section 35 (4) be amended.....rooming houses" I think probably this has been discussed before; the idea here is that they are commercial enterprises and they pay no business taxes.

MR SINGER: Well when you say they pay no business tax, in fact adding additional taxes ... (yes) I think being taxed for business would achieve the same thing.

MR BECKETT: The same thing, yes, but there's no business tax on parking lots.

MR BECKETT: They're being treated differently.

MR EVANS: I think the people who rent the apartments though, they would be paying the business tax actually; all the landlord would do is add it on their rent; and they would be paying a business tax on their residence where a man owning a house wouldn't be paying any business tax.

MR BECKETT: Mr Evans, it's the same with all taxes-they're passed on. Please proceed, Mr Vosper.

ALDERMAN VOSPER: The next three recommendations are under the Liquor License Act, (reads, page 2 (a) "that Section 78 be amended to.....entitled to vote." The reasoning here, Mr Chairman, is that the roll for voting under the Liquor Licence Act is different from the

normal roll taken by the city for an election, and therefore there is considerable expense in preparing this separate roll, except when an election, provincial or municipal is approximately at the same time; you have to use the last legislative voting list...use the list from the last provincial election, but it must be within 30 days- this has a time limitation on it; in other words it can be out of date, and now it is quite some time since we've had a provincial election-we could also use the federal election, but there's still the time limitation on it.

MR MORROW: I know last year in Ottawa, they had quite a time; they had this vote in the dry area, that part of the City of Ottawa that was formerly dry in the Township of Nepean, and I just happened to have my old voters list or they wouldnt have had anything to go by; they were scouring all over trying to find a voters list up here and everywhere else and finally I was able to salvage mine ...it seemed to be a peculiar thing to me that they had to rely on this old provincial voters list.

MR SINGER: No but if they're not close enough to either a federal or provincial election, they're compelled by the present wording of the Act to do another enumeration.

MR MORROW: Yes, they have to do another enumeration.

ALDERMAN VOSPER: Yes, and our intent is to save the unnecessary expense to the municipality of preparing this other voters list and substituting something in lieu of it that accomplishes the same thing.

MR SINGER: And do you think that the principle of local option should continue?

ALDERMAN VOSPER: That, Mr Singer is your problem, not ours. (laughter)

MR COWLING: Do you think this would be a good way to have the people register for a regular vote in the municipal elections?

ALDERMAN VOSPER: This is covered further on in the Brief; and with your permission, I'll mention it then. (continues, page 2, Section (b) "Section 81 be amended.....entitled thereto." I think you have heard this before. I think there is no way at the present

time to legally have the petitioners pay for it- the liquor referendum-

MR BECKETT: That's right. What's the petition?

ALDERMAN BECKETT: That you make the profit and you might absorb some of the expense. Section (c) (continues, page 2, (c)) "That Section 84 be.....new municipality." Now the reason here...to give you an example, in the annexed area of Kingston, at the time of annexation, part of Kingston area was dry; the City of Kingston was wet as far as the consumption of beer was concerned. This means that even though we have a referendum in regards to liquor, and assuming that were successful, the annexed area would still be dry as far as beer is concerned and unless we have special elections in the annexed area, which does not conform to zone boundaries, and also must be on the basis of provincial or federal voters list, you can see these additional expenses in making the entire municipality conform where it would be very simple at the time of annexation that the by-laws of the municipality annexing would apply to the entire municipality. This I think was the case in Nepean.

MR MORROW: They had to vote themselves in.

MR BECKETT: Mr Alderman, the people that were being annexed didnt have a chance to vote whether they wanted to be annexed in the first place.

MR MORROW: They were able to come before the Private Bills Committee to object, Mr Chairman.

MR BECKETT: Not on annexation-not unless there was an appeal.

MR COWLING: We've been in trouble in Metropolitan Toronto on something like that, Mr Chairman, in dry areas and wet areas.

MR SINGER: We have it right in the city, Ward 8.

(jokes re Swansea)

MR BECKETT: All right, Mr Alderman.

ALDERMAN VOSPER: That's it, Mr Chairman. I think Mr Webb is next.

MR BECKETT: Well thank you very much.

ALDERMAN WEBB: Well, Mr Chairman and Gentlemen the next The Local Improvement Act. (continues, page 4, (a)) "The Council of

of the Corporation of the City of Kingston recommends that: (a) Section 24.....by the corporation." Our reasoning on this is that there can be wide variations on the cost of constructing pavement a heavier base and greater width will be required on Ontario highways than on residential streets; this will add to the cost, and it is not equitable that the fronting property owner should be assessed for construction costs to accommodate heavy traffic that is of no benefit to him.

MR BECKETT: Would you put too...wider sidewalks are concerned too that they may charge it over the whole municipality? You might have a wider sidewalk- 8 foot, where the ordinary sidewalk is only four.

MR WEBB: Sidewalks are pretty well universal in their cost as well as in their width; I think it would depend on the Section of the Local Improvement Act it would be sent out on; if there were any variations from the normal width of 4'6", then it would have to be done under Section 12.

MR BECKETT: Now when you mention Section 12, did you give any consideration to joining 12 and 8 and having one Section that Council may initiate local improvements?

ALDERMAN WEBB: There has been no general consideration of this in Council; my personal opinion is that I would go along with Section 12 and completely eliminate Section 8- after all 12 is by advertisement and 8 is by petition, I believe.

MR BECKETT: No, no, the reverse.

ALDERMAN WEBB: That's right. Section 27 (1) of the Local Improvement Act authorizes the Council to pass the general by-law to have the general rate assume a set portion of the cost of every pavement. If it seems proper to the Council to have the general rate assume 40% of the costs of paving a residential street, it is only fair and equitable that the general rate shall assume a greater share of paving a heavily travelled traffic artery. Section 27 (3) authorizes the Council to assume a larger share on any particular street. If the Council tries to keep the same rate for constructing pavements to home owners on different streets, it may have to use a different percentage

charge to the general rate on nearly every street.

MR BECKETT: Just there, Mr Alderman, I had a suggestion yesterday that where you're having sidewalks built to serve principally a school or a church, should not a greater percentage of that be either an area charge or a municipal charge, not a local improvement charge.

MR WEBB: I cannot give the opinion of the Council; my personal experience, and I think it has been the case with the City of Kingston where they doubled the sidewalks, that the rest of the proportion has been assumed by the adjoining property owner. I can think of two or three cases where this has happened; as far as I'm concerned personally, a normal 4'6" sidewalk would seem adequate to me in cases of schools and churches; and I cannot envision any case where a greater width would be needed, and I would think if so, we would have to deal with each on their own merit.

MR BECKETT: My other point is then, should a sidewalk that is going to serve an institution not be a local improvement but be put down as a charge to the municipality?

ALDERMAN WEBB: By an institution you would mean a school or some other non-taxable property? Well that generally goes on the general rate. There are institutions under the Local Improvement Act, I think, once I remember a park or an institution, then the people on the opposite side are not compelled to pay the cost, only merely their share; the rest is paid in the general rate-the greater proportion.

MR BECKETT: That may be a Council policy, but not by statute.

ALDERMAN WEBB: I could be wrong, Sir, but that is my impression. (continues, page 5, last para) "The proposed amendment...local improvement assessments."

MR BECKETT: Thanks very much, Mr Alderman.

MAYOR MILLS: Now, Mr Chairman, if I may have Alderman McCullough and Mr McKibbin deal with the next matters.

ALDERMAN MCCULLOUGH: Mr Chairman, Ladies and Gentlemen, I presume you are quite familiar with representations with the Councils concerned with school costs, and with respect to this, we have one or

two further suggestions. We are suggesting that Section 297 of the Municipal Act be amended (reads from Brief, page 4, para 1) "(a) Section 297.....of the reduction."

MR COWLING: Would you stop right there and let's talk about that.

ALDERMAN MCCULLOUGH: Fine. Would you like to refer to our supplementary notes?

MR BECKETT: Yes, let's read the supplementary notes.

MR MORROW: Are there appointees on the Municipal Board to look after these things?

ALDERMAN MCCULLOUGH: We grant you, Sir, that it is a problem but we in the City of Kingston are faced with the ever increasing problem of working very hard to reduce our budgets and keeping expenditures in line, and it's very disheartening to have a school budget come along and increase the tax right back three or four mills.

MR MORROW: Every city and nearly every municipality- the larger ones- has the same story.

ALDERMAN MCCULLOUGH: Those are the things that Council has no authority to alter their budget, and to some extent, this applies to the Police Commission budgets and the Library budget. In actual practice, we note that the Commissions usually consult with the Mayor and the Finance Committee or the Board of Control about their budget, and this does give some coordination.

MR BECKETT: The Mayor sits on those Boards generally.

ALDERMAN MCCULLOUGH: Yes, he does. But again, I would say it only serves to give some coordination. The Mayor, of course, doesn't sit on the School Board.

MR BECKETT: Perhaps he should.

MAYOR MILLS: I think that would be a step in the right direction. But we have noticed the continued upward trend in educational costs and the local tax arrears are showing an increase. We believe the time has come to give Council the legal authority to say no to items in the budget from Boards and Commissions, the same right they have now in other municipal spending. Again I wish to emphasize that Kingston, during my eight years on Council, that it has been very

disheartening for the Municipal Council to make budget cuts and put off expenditures and so forth that may be put off, and then to have the Board of Education's budget come along with perhaps a 3, 4 or 5 mill increase over which we have absolutely no control; and we do feel that in some cases that the expenditures being requested should be put off much the same as the City Council has had to do.

MR COWLING: Your Board is elected?

MAYOR MILLS: Yes they are.

MR MORROW: Dont you think it would be a continuous hassle between the City Council or the Council and the School Board if Council has the privilege to reduce or change their budget-the budget of the School Boards?

MAYOR MILLS: This may be true, but I would submit that this would have a beneficial effect in that the tax payers of the community would have some idea where the tax dollar is going.

MR COWLING: Well they elect the people and the trustees tell them where the tax payer's dollar is going, dont they?

MR MORROW: I thought the tax bill tells them- on the back of it.

MAYOR MILLS: I would say that besides that, the only reference I have had would be an indirect one; concerning educational costs, the average tax payer who notices the increasing taxes on his annual bill....

MR COWLING: Well shouldnt they take that up with the Trustees?

MAYOR MILLS: Presumably they should take it up, but it seems to me that the Trustee, in effect, has no responsibility insofar as raising the money; this is the responsibility of the Council, and I would submit that the 34 odd cents paid by Kingston taxpayers on the tax dollar towards the cost of education, is really lost to the tax payer ; and the thought as far as he is concerned is the Municipal Council has required this increase.

MR COWLING: Are you saying then that the elected school Trustee is not aware of what's happening to the educational dollar?

MAYOR MILLS: I think he is aware of it, but perhaps doesnt have the same comprehension of the difficulties in raising it.

MR EVANS: Do you think, Mr Chairman, Your Worship that these Trustees, if they had to raise the money, when they're building schools, they'd cut out some of the frills from the school budget?

MAYOR MILLS: I'd agree with that, yes.

MR BECKETT: Well, Mr Mayor, do you think that having a Common Council would solve the difficulty?

MAYOR MILLS: There could be some benefit in that, Mr Chairman, yes; it could be a Committee the same as we have a Committee on Works, Administration and so on.

MR MORROW: You'd have to agree that Council perhaps does not have the time or the intimate knowledge to challenge every item of a School Board budget; for example, for salary increases to the teachers-it's a pretty specified today and a pretty large budget. Now the Mayor of Ottawa this morning didnt quite go that far, did she, Mr Chairman? She wanted only to challenge the debentures.

MR BECKETT: She really wanted to challenge the excess capital costs over what the Province paid in grants per classroom.

MR COWLING: Just aside from the Board of Education, though, you stated that such Board, Commission or body may appeal the reduction. Well you're not going to expect that some board that you appoint-that Council appoints- you're not going to stand for them making an appeal on what you give them, are you?

MAYOR MILLS: What about an elected board?

MR COWLING: No, I'm saying a non-elected board- a board that Council appoints. Are you going to expect that they're going to come back to the Council who appointed them and say that we want more money, and go to the Ontario Municipal Board to get it? Wouldnt you take steps to fire that group and take on somebody else?

MAYOR MILLS: I dont think so. Now our School Board is elected; our Public Utilities Commission is elected. The Library Board....

MR COWLING: Name one that's appointed

MAYOR MILLS: The Planning Board, of course there's elected officials on it, and the Community Centre Board; the Police Commission, of course, there's one appointed person, one elected....

MR SINGER: Well surely you're saying, the law, Mr Mayor, "for which the Council is by law required to levy any rate" and that avoids the difficulty that Mr Cowling has suggested.

MR COWLING: Well I just can't imagine a board that Council appoints coming to Council and saying: Well we're not satisfied and we're going to appeal to the OMB.....

MR SINGER: Well it's only Boards that Councils are compelled to levy a rate for-most of these Boards are not compelled to levy a rate.

MR BECKETT: What about the Library Board; isn't there a special rate for Library Board? That's one Board.

MR SINGER: You're not compelled by law to levy for them.

MR COWLING: Well I think it's a dandy thought but I think it's very impractical.

MAYOR MILLS: Mr Chairman, it was our thought that this would be too much, perhaps for the Government to bite off at just one time; we hope it's a step in the right direction.

MR BECKETT: Well what would you think of the Mayor of Ottawa's submission that up to a point that Council yes approves; but over and above that, then it's necessary that we have a vote.

MAYOR MILLS: That would be the same as if Council were to turn down the question of capital expenditures.

MR SINGER: Well certainly both Kingston and Ottawa are searching for a method to give some kind of control over the expenditures that are worrying lots of municipalities.

MR COWLING: Worrying all municipalities.

MR EVANS: But here in Kingston, they don't have an appointed board; theirs are elected, and in many cases the District High School Boards and Collegiates are appointed Boards. And it has always seemed to me that the representations that we've had here, they have always said if they're elected, we wouldn't have the trouble we're having now. Here we have elected boards, and they're having trouble.

MR BECKETT: Maybe the same trouble.

MR COWLING: These people are elected the same as

you are, the same as we have in Toronto.

MR EVANS: So their problem is different entirely, but still they're having trouble with their elected board; there must be another solution to this.

MR COWLING: Well I certainly wouldn't hesitate to say to our Trustees that you just haven't any appreciation of the expenditures that are going on, and the Council has, and why don't you do something about it. Because they have their Finance Committee; they have their people that deal with money, and I think they're just as aware of expenditures of the educational dollar as are the members of Council.

MAYOR MILLS: Well they don't have to raise the money.

MR COWLING: Well there is quite a little difference there.

MR MCKIBBIN: Sir, could it be looked at this way as well, the Minister of Education is an elected Cabinet Minister, but he doesn't tell the rest of the Cabinet he requires this much for education, and all the other Members of the Cabinet automatically agree that he will have it; he doesn't tell the Members of the House that. But in a municipality, those who are elected to look after education, they say to the Council: This is what we require, therefore you will raise it.

MR EVANS: Mr Chairman, I agree with His Worship, the Mayor. In my experience with school boards- I was Mayor of my own town, and they were building a big school there and it was costing some \$300,000. And to me there were too many frills to this school, so I had the School Board in and I said we had to cut out some of these frills. So they did cut some of them out, but with the stroke of a pen they cut off \$40,000. To me there were many more that they could have cut out. Today, I don't think the school boards even consider where the money is coming from- I think in many cases they don't.

MR BECKETT: Were they elected or appointed?

MR EVANS: They were appointed.

MR SINGER: I've seen very stubborn elected boards.

MR MCKIBBIN: But they don't have to levy the money and raise it themselves and they're not too conscious of expenditures.

ALDERMAN MCCULLOUGH: Mr Chairman, my concern, and the concern

of my colleagues, if we could get it down out of the general thing into what we are all acquainted with, and that would be a finance budget meeting, for instance. Our concern is mainly the end effect of this education budget situation-that it has on our city budgets that are considered and end up to be the mill rate of the city. For instance the finance meeting that we're going to talk about has considered that we should aim at a certain increase or no increase in mills and so on. That would mean that perhaps the streets committee budget would have to be reconsidered maybe once or twice or three times in order to get it down to the figure that would come within the figure that we were going to aim at. Now this is repeated by every committee. They consider their budgets two or three times, making cuts each time. But what's the use? The Education budget comes to us and we have to raise it, and all the cuts in our committee budgets are wiped out and the tax rate goes up. And every year it is the same, and we have come to a point that we feel this can't go on...

MR BECKETT: What would you suggest?

ALDERMAN MCCULLOUGH: Well one method that has occurred to us is that the Board of Education raise their own funds, and if they need this extra expenditure and as some people call them frills, they can go to the tax payers and justify them. In this way....

MR SINGER: We had a presentation from Mayor Whittton from Ottawa this week; on this very point, she stated the City of Ottawa had tried this and abandoned it, chiefly because of the confusion it caused.

ALDERMAN MCCULLOUGH: You think there would be confusion if the Board of Education raised their own?

MR MORROW: And there'd be double administration costs too.

MR SINGER: And there isn't any legislation that will permit that the Board of Education raise their own budget.

ALDERMAN MCCULLOUGH: That is quite true, but again I repeat if the Board of Education had to raise the money, I believe it would result in considerable saving that is not taking place now. Every year we are faced with increases and...increases that have raised our

rate from 31 to 34 mills in the last three years. And we have come to the point where we just cant go on.

MR MORROW: Do you have any liaison between the Board of Education and the City Hall? Sometimes this helps to bring understanding of both points of view.

ALDERMAN MCCULLOUGH: Well it used to be the Chairman of Finance who would attend.

MR COWLING: Do you have Trustees on the City Council...I mean Councillors who have come up from the Board of Education and are now sitting on City Council. They have had experience and understand the need of the Board of Education, and they also have understanding of a Council in having to raise the taxes. They may and often have very different views from Councillors who have not had the opportunity of sitting on both bodies.

MR BECKETT: Mr Mayor, was this not discussed at the Mayors and Reeves Conference and do they say what should be done?

MAYOR MILLS: It has been discussed but as far as I can see, it is still an area of frustration. In our City of Kingston, we have had to raise the tax rate one mill or two mills each year to provide for the needs presented by the Board of Education; and whether the amount of their budget is justified or not-whether there are expenditures that can be cut or not, it is getting to the point where the charge against real estate for education is too great a burden; and the ultimate we hope for is that the province assume education costs.

MR BECKETT: But that is taking it a long way from the people; and would this influence this cost rise?

MAYOR MILLS: No, I dont think so; after all it would have to be administered locally, maybe with some direction or some standard laid down.

MR BECKETT: I dont mean that; I mean that in the interests of local autonomy and local government....

MAYOR MILLS: It would be the lesser of two evils, I believe.

MR COWLING: We have had a presentation from the Mayors and Reeves, and in general, they guard local autonomy. The

local people have the right to elect their representatives, and if they dont like the way the Board of Education is spending their tax money, then they can do something about it in the next election; they can put them out and they do if they dont like what they are doing. Surely the Province shouldnt get into the midst of this kind of a hassle....

MR SINGLER: Why not? Because it is difficult?

MR COWLING: This is a problem that the local people can settle for themselves, and believe me, they do settle it in other municipalities- and very quickly too, if they dont like what their representatives are doing. But to ask the province to step into the local picture, to interfere in local autonomy, I dont think your local people would want it.

ALDERMAN MCCULLOUGH: I dont think the local people really know why these costs are going up; they blame the City Council and I feel they have the impression that we have brought down bad budgets, even when we cut back 5% on expenditure controlled by Council; and when we do this, I feel there should be some mechanics to say we are cutting back 5% and that the increase is due to the increase in the expenditures of the Board of Education.

MR MORROW: The Board of Education in all the municipality have been faced with serious problems in that there is a very considerable increase in the school population, and they have to build schools and provide classrooms and teachers for these 5% to 10% more children. Now if they had from 5% to 10% less children to provide for, you could expect the education costs to remain on a level.

ALDERMAN MCCULLOUGH: I agree.

MR MORROW: But with this increase, there are increases in teachers, in principals and vice principals and all the way down the line.

MR EVANS: I have had a similar experience in my town in this matter and in the matter of the cost of class rooms in the construction of new schools, all the way from \$22,000 per room to \$25,000, \$30,000 and even \$60,000 and \$70,000-it was a variation in opulence.

MR BECKETT: We heard about a case in one municipality where they had no funds to build new schools, and they obtained rooms in a private home and are carrying on.

MR COWLING: Well, Mr Chairman, we know this is indeed a problem--this problem that these gentlemen have presented today. And it is the same problem year after year at budget time, that the council have to levy and to collect the taxes. I believe that a great deal can be accomplished if both bodies come be brought together to discuss and exchange ideas concerning their problems; and I believe that headway can be made by approaching their problem in such a manner.

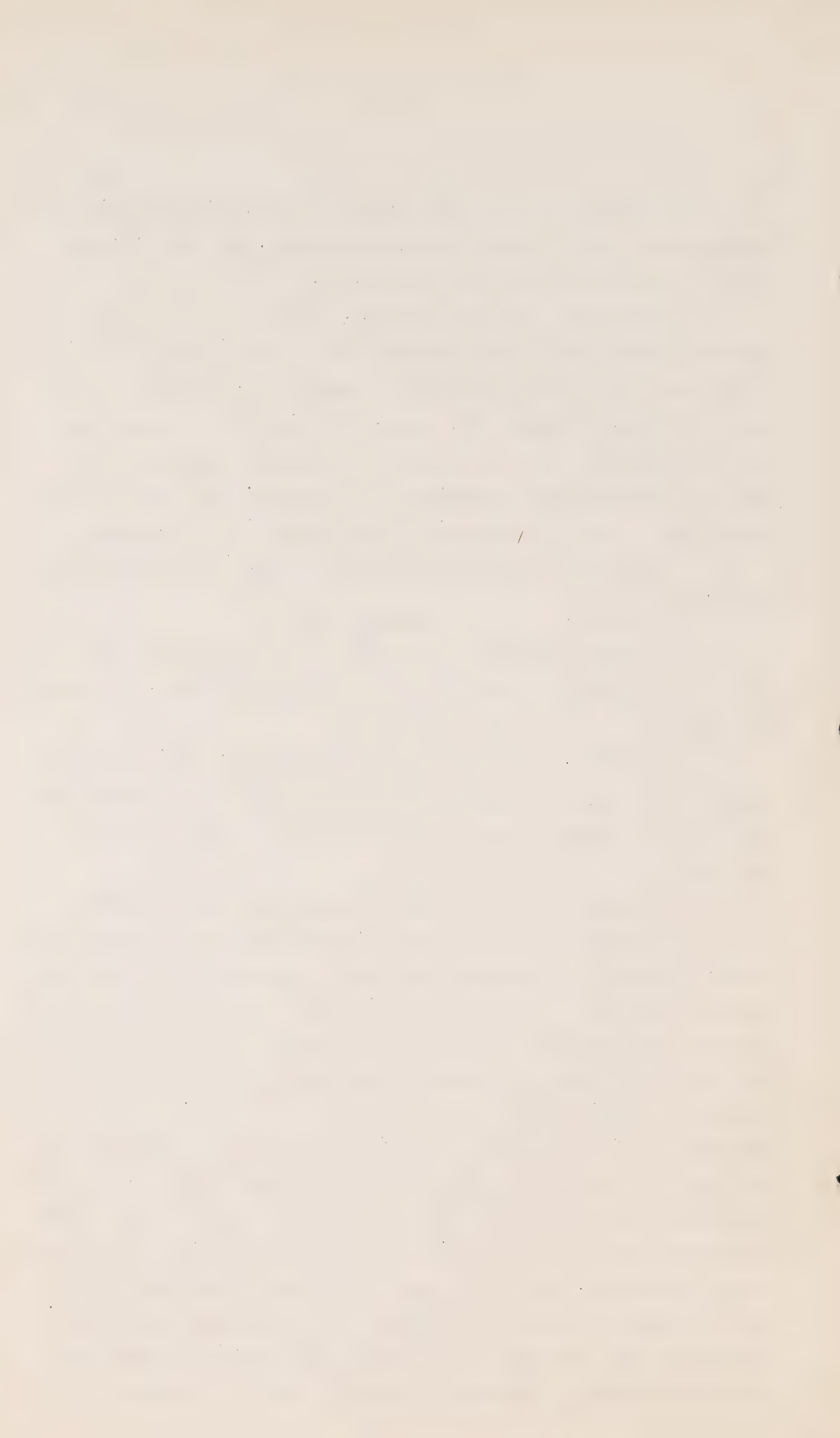
ALDERMAN MCCULLOUGH: Can you tell me who is responsible for education?

MR MORROW: The municipality.

ALDERMAN MCCULLOUGH: But beyond the municipality? After all there is a Department of Education at the provincial level, and there are grants....

MR MORROW: The local people elect their Board of Education and they are responsible for the hiring of the teachers and the building of schools and the raising of taxes to pay for these services.

ALDERMAN MCCULLOUGH: Maybe I should rephrase my question--do not the federal and provincial governments have some responsibility towards education? I know we would need an amendment to the existing legislation to do this, but maybe it is time to do this. Further, our proposal that Councils should control the budgets of the school boards will in no way lessen the demands of municipalities on the provincial government that it assume all the costs of a basic education. Only tax resources in control of the provincial and federal governments are sufficient to ensure every school child equal opportunities to a basic education. However for some time to come, it is apparent that a portion of the cost of education will be financed by a portion of the municipal tax dollar. So long as this is true, the School Board should have to justify its claim to its share of the municipal tax dollar in competition with the claims of other municipal services. Decisions such as to whether a community has greater need for a teacher of a



third language than it has for a sewer should not go by default; but be decided after proper consideration has been given as to how many will benefit in relation to the cost.

MR BECKETT: The Mayor of Ottawa presented the same problem- a sewer or an addition to a school.

ALDERMAN MCCULLOUGH: I guess it's a universal problem.

MR BECKETT: Are there any further questions on this for the Members of the Committee?

ALDERMAN MCCULLOUGH: That is all on this proposal; I'm afraid I didnt come out of that too well.

MR BECKETT: I wouldnt say that. I would say you presented it very well.

ALDERMAN MCCULLOUGH: Thank you, Mr Chairman and Gentlemen; we appreciate your assistance.

MAYOR MILLS: Mr McKibbin will deal with our next proposal.

MR MCKIBBIN: Mr Chairman and Gentlemen, (reads, page 4, (b) "In order to assist municipalities.....on its bank deposits." This is really lending our own money to ourselves-taking it from one municipal pocket and putting it into another municipal pocket. We would like to eliminate the bank as a middle man, so to speak, and of course with the proper safe guards. The monies would have to be paid back not later than the end of the year, and in many cases would only be needed for a few months until the taxes came in in most instances.

MR BECKETT: There is a very good reason for safeguarding the funds of a municipality-what if the money is misspent and can not be paid back.

MR KIBBIN: There should be a properly constructed by-law covering this borrowing that would prevent any misspending, and if the money is not paid back before the end of the year, then a bank loan to cover the unpaid portion would have to be made. But it is obvious the saving to the municipality, if we could short circuit making bank loans, on which we have to pay interest while we have money in another account.

MR BECKETT: I feel very strongly this is a safeguard.

MR SINGER: A very expensive safeguard. Mr McKibbin, let me ask you a question; do you do it now?

MR MCKIBBIN: Mr Chairman, I refuse to answer on the grounds.....(laughter and chit chat)

MR SINGER: It is being done now in many municipalities. We should amend this to make it legal.

MR EVANS: I agree it is being done.

MR BECKETT: Any questions? Thank you Mr McKibbin.

MAYOR MILLS: Alderman Vosper will present our next proposal.

ALDERMAN VOSPER: (reads, page 6, The Municipal Franchise Extension Act -"(a) That Section 3 be amended.....entitled to vote."

MR COWLING: What was your percentage that voted in the last election?

ALDERMAN MCCULLOUGH: 44%.

MR COWLING: Would not this procedure not be more expensive?

ALDERMAN VOSPER: I dont believe so and it would simplify the whole procedure.

MR COWLING: Do you think it would increase the vote?

ALDERMAN VOSPER: Correct. They could start registering 60 days prior to the election and have 30 days to complete registration. This has been found to be successful south of the border, and it should be money saving too. The onus is on the elector to put his name on the list.

MAYOR MILLS: Alderman Vosper will present our next proposal.

ALDERMAN VOSPER: The Planning Act (reads Small Brief, Section 28 (6)) "of the Planning Act be amended.....financed the work." Now this is when a subdivider develops land with the intervening area undeveloped. He assumes the cost of the extension of the sewers and water mains, and this becomes a charge against the lots in in the subdivision. At the present time, there is no by-law or procedure to charge these landowners in the intervening area, and there-

fore they get out of paying the local improvements which have been levied or which has been put on top of the owner of the subdivision.

MR SINGER: Do the monies go back to the people who paid the expenses?

ALDERMAN VOSPER: The monies? As stated here will go back on the taxes of those owning lands in the subdivision at the time the connection was made. This does not go back to the subdivider, but it goes back to those who are in the subdivision at the time the connection is made.

MR SINGER: Who may or may not be the people- they may have moved four times since it started.

ALDERMAN VOSPER: But the original cost, we assume in this would have been passed on to these people when they purchased the lot. The intent is that those who have purchased lots in the subdivision will have, in effect, paid for this extended sewer, and their portion would be credited back to them as a tax rebate.

MR BECKETT: Have you had any cases of this?

ALDERMAN VOSPER: Well we had one case, Mr Chairman.... this has happened on a minor scale where a person has extended past three lots where they built an apartment house. And then with these intervening lots, they decided to connect up to the sewers, there was no mechanics whereby we could have them pay...

MR BECKETT: A local improvement tax?

ALDERMAN VOSPER: Yes. And I can't remember... I don't know how the case turned out. But in a large subdivision where the municipal services are extended for it for a considerable distance, this could be quite a large sum. And there is one other recommendation...

MR BECKETT: Before we leave that, did you make some provision in the subdivision agreement in that regard?

ALDERMAN VOSPER: Well what is required here is that there be some mechanics whereby this could be recovered by the people in the subdivision. It would not be part of the subdivider's agreement, because at the present time, we can require the subdivider to extend the services, and this hasn't really anything to do with the subdivider's

agreement.

MR EVANS: You want a margin to take care of the vacant land.

ALDERMAN VOSPER: Yes. We could ask them to, and we know they would, ask them to make it large enough to take care of this vacant land for the future, and those who either still own the land or those who subsequently own the land will get a rebate.

MR TAYLOR: It's not that simple, is it?

MR BECKETT: No.

MR TAYLOR: It may not service all the land in between; it may only service part of it. Again it may be a private individual and not a subdivider.

ALDERMAN VOSPER: Quite true. If it is a private individual then....

MR TAYLOR: Your case, the apartment owner was a private individual, wasn't it?

ALDERMAN VOSPER: This is correct. This is not necessarily tied in with subdivision; it is in the case of any property owner who has to pass over other property in order to get water and sewers for himself, and where the connections to this property passed takes place at some later date; then he should recover their share of his out of pocket money that he has put into these services.

MR SINGER: In the case of your apartment builder, he has undoubtedly reflected his costs, including these extra costs, in his rents. And even if he gets a rebate on his taxes, I'd be very surprised if he reduced these rents.

ALDERMAN VOSPER: On the other hand, Mr Singer, the apartment owner who builds adjacent to him doesn't have to pay for the sewer and obviously....

MR SINGER: Yes, he gets a free ride...yes this is always a worry...I don't know what the answer is. But this perhaps is closer to the answer of giving it back to the original person.

MR TAYLOR: This happens in practice very informally; for instance, a municipality will say: All right if you want to

subdivide this property, you've got to put the sewers in here now; you've got to make the subdivider put it in before we release your plan for registration, and I know a minimum of this has been done-it's a very informal thing....

MR SINGER: Very informal and very dangerous. If a municipality tries to police this type of thing that is happening, they get into nothing but trouble.

MR TAYLOR: Then it's the same for the developer-not the municipality. The other alternative is to put the work into Local Improvement and have the developer prepay his share.

MR SINGER: Then you run into trouble about how far you can extend your borrowing capacity.

ALDERMAN VOSPER: This may leave land idle for some considerable time in which the municipality has to borrow. (chit chat)

MR TAYLOR: You might say we wont give you a sewer connection unless you pay the sewer costs.

MR BECKETT: It's a public utility; you have to give him a connection.

MR TAYLOR: That's right.

MR BECKETT: You'd have to amend the Public Utilities Act.

ALDERMAN VOSPER: Now there's one last recommendation-the Ontario Municipal Board Act (reads, small Brief, (a) Section 13) "be amended to provide..... to each region where they will reside." In other words, we think that....

MR SINGER: Do you have difficulty down in Kingston in making appointments?

MR BECKETT: Well according to Mayor Whitton this morning, the Board was going to do that with Ottawa.

MR SINGER: Well the Board now sends people out; but I was just wondering from a practical point of view how long you have to wait for appointments?

ALDERMAN VOSPER: Well I cant remember how long our average wait is; perhaps Mr McKibbin could tell you.

MR MCKIBBIN: Mr Chairman, the time we usually wait

is six weeks. The difficulty is the fact that the Members of the Board will be out on hearings.

MR SINGER: If six weeks is your maximum period, you're not doing too badly; we probably wait three or four months in Toronto.

MR MCKIBBIN: They are a hard working Board.

MR SINGER: They are indeed. I know I've waited as long as four months.

MR BECKETT: Mr Mayor, would you like to add anything?

MAYOR MILLS: Thank you Mr Chairman, I have nothing further to add.

MR BECKETT: Well thank you Mr Mayor and Gentlemen for coming, and if you have any further ideas, dont hesitate to send them along.

MAYOR MILLS: I want to thank you, Mr Chairman, and the Members of your Committee, for your courtesy and patience in listening to various submissions; and we realize that we are one of many, many municipalities bringing suggestions and proposing amendments to you, and we certainly appreciate the time and attention you have given us.

MR BECKETT: Thank you, and we sympathize with your problems.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE TWENTY-SEVENTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3,
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

Thursday,
 August 9th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J. A. TAYLOR

Solicitor

MEMBERS:

Alfred H. Cowling
 Arthur Evans
 George T. Gordon
 Ron K. McNeil
 Donald H. Morrow
 Vernon M. Singer

APPEARANCE:

Mr. E.B. Higgins

PRESENTATION:

BRIEF - CANADIAN RETAIL COAL ASSOCIATION INC.

CANADIAN RETAIL COAL ASSOCIATIONHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well Gentlemen, we have Mr Higgins with us this morning, and now Mr Higgins, you may proceed with your Brief, read it or discuss it in any way you like, Mr Higgins.

MR HIGGINS: Mr Chairman, Ladies and Gentlemen, my name is Edward Higgins, and I am here representing the Canadian Retail Coal Association, a group of some 700 retail dealers in the Province of Ontario, who are both in the coal and the fuel oil business. Recently we were doing a study through our firm of auditors, and it was brought to our attention by them, that apparently there appears to be some discrepancy in the rate of assessment applicable to fuel oil and retail coal dealers as compared to the rate of assessment granted to a natural gas transmission line company. I want to make it clear, Mr Chairman, I come here not in any critical way at all, but frankly in an inquiring mood, for it may be that my sources of information are not correct, although I'm in possession of a letter from our firm of Chartered Accountants dated July 17th, to the effect that they have checked the Assessment Act, and it would appear therefore that the information which I have included in my Brief to you, dated March 15th, would be based on the most recent information which we have available. I ask only for the consideration of this Committee on the very brief Brief which we have submitted, on the basic point; and I assume this would be the thinking of this Select Committee, that whatever the rate of assessment is, and frankly this is not my concern at the present moment, that whatever the rate of assessment is, it should be on the same equitable basis as far as all competitive fuels are concerned. In other words, if our information is correct, and we believe it to be so, then there would appear to be a situation which I've outlined in which a natural gas transmission line enjoys a business assessment rate of 25%, whereas a retail coal merchant or fuel merchant may be assessed anywhere from 30% to 50%, depending upon the size of the town in which he lives. In essence, Mr Chairman, this is my submission, and I'm available to answer any quest-

ions you may have.

MR BECKETT: You appreciate that under the Assessment Act, transmission lines have what you might call a fixed assessment, so much per foot on the size of the pipe; and distribution lines are assessed at their actual value under the Assessment Act. I'm talking about the other assessment and you're talking about business assessment. And your whole point is on the percentage you're assessed for business tax.

MR HIGGINS: That is correct, sir.

MR MORROW: Do we know what the others are assessed- what their business assessment is?

MR BECKETT: Oh yes, it's 25% as Mr Higgins says.

MR HIGGINS: In other words, Mr Chairman, there may be, and I say may be an anomaly which may be clarified; it may well be the other assessments charged to the gas company, if they are charged other assessments, would bring them up into line with the rate being charged to the coal or fuel merchants. However on the basis of the Act as I read it at the present moment, there is a differential which could be as much as 100% more of a penalty against the retail coal and fuel merchants, as compared to a natural gas transmission company. Competition is critical enough now, Gentlemen, without having us to carry in our segment of the industry any inequality or anomaly that would appear to be contrary to our particular interests.

MR BECKETT: Have you got the Section there, Mr Taylor dealing with the business assessment of gas?

MR SINGER: It's quoted here in the letter, (1) of 9 on page 2, 9, (1) , (1).

MR BECKETT: Oh yes, you have it right here.

MR TAYLOR: I might mention, Mr Chairman, the Ontario Association of Assessing Officers recommended in their Brief that the retail coal and fuel oil and lumber dealers be deleted from this Section and covered in the Retail Merchants Section, and they would be in Section 9, (1) (i).

MR BECKETT: How does it read?

MR TAYLOR: It reads: "Every person carrying on a business of retail merchant in a city of a population of 50,000 or over for a sum equal to 25% of the assessed value; in other cities or towns having a population of 10,000 and over, 30% of the assessed value; and all other municipalities, for a sum equal to 35% of the assessed value." On that they also had a recommendation that the classification be reduced, as you recall. If that were done, then the retail merchants Section could read 30% in all municipalities.

MR EVANS: That would cover gas too.

MR TAYLOR: So that you'd have instead of the existing Section which is 50% of the assessed value except in cities having a population of 100,000, and then it could be set at 30%.

MR HIGGINS: Is there some reason, Mr Chairman, and through you, may I ask your staff here, is there some reason that I'm unaware of, as to why the particular rate has been established at 25% for natural gas transmission lines; whereas apparently competitive fuels are at a higher rate or rates?

MR SINGER: That's a good question. I bet you wont get a good answer.

MR HIGGINS: Mr Singer, I suspect I probably wont, but this is why I'm here.

MR BECKETT: That might be almost impossible to answer-for any Member of the Committee to answer, because we have to go back to the time when that became part of the Statute to see what the reasons were. We will have to find that out in our investigations. It's a good question why it was done.

MR HIGGINS: Is it the opinion of your staff, Mr Chairman, that the statements made in this letter are accurate as of time being.

MR BECKETT: That's right. Would any Member of the Committee like to ask Mr Higgins any questions? I might say, Mr Higgins that we've had very many Briefs in connection with business tax from all sorts of businesses-Mrs Rowan, would you tell Mr Higgins the results. We've compiled a statement in regard to business tax that might interest you. We asked the municipalities to forward us how they

are assessing and we can just tell you the percentages.

MRS ROWAN: Now this is based on statistics from 340 of the municipalities.

MR BECKETT: We have about 974 municipalities.

MRS ROWAN: There were 937 municipalities that were sent questionnaires-the difference being the municipalities that don't come into this field at all, and we received replies from 404, and 349 of those were usable...gave us usable statistics. In compiling the number, we asked them for the number of assessments-business assessments-according to each assessment category, whether it's the minimum of \$100-10%, 25%, 30%, 35%. And I tabulated the number and the amount of business tax in each of these. And we find that the most productive group, taxwise, is the 60% group. But there you have 7.9% of the assessments producing 43.3% of the business tax reported; and your 25% group comes next-46.4% of the number of assessments produces 18.5% of the tax levied. Then 50% group-18.9% produces 16.1% of the tax; the 75% group-5.5% of the number of assessments produces 15.7%; and the others are relatively small. For example, the 30% group are 6.4% of the assessments and produces 2.6% of the tax.

MR HIGGINS: I think this is most useful information, Mrs Rowan, and without attempting to copy it down, apparently what it indicates is that certain categories tend to produce more revenue than others do. Now I believe I made the statement earlier that at the present moment I was not concerned with the actual assessment figure; I was concerned basically with the anomaly that existed here between the different fuels who are intensely competitive today, and I was simply trying to emphasize our position, our question rather, not a position, the question as to the fact that why was there this apparent difference in favour of the gas companies, where as retail merchants of fuel, including coal and oil apparently are faced with a higher assessment basis. I appreciate this survey you have made- I would like to have a copy of those figures if they are available- a public document-but I am more concerned in drawing the attention of this Committee to the apparent inequality that exists and ask this Committee to bear this in mind when

making any recommendations to the Legislature.

MR BECKETT: As you no doubt know, Mr Higgins, under Section 9 of the Assessment Act, they have business assessment running all the way from a parking lot at 10% to distillers at 150%. This Committee is going to study the whole question of business assessment; and whether we can come up with one rate for all, or perhaps, as some have suggested, another basis for assessment-business tax, if we have to have a business tax, rather than basing it on the assessment of land and buildings being occupied. Have you given any thought to that?

MR HIGGINS: No, as a matter of fact, I havent, Sir. I have been concentrating entirely on the assumption that obviously some form of assessment is going to be necessary to run both our municipalities and our government; with this we do not quarrel. The actual basis however, is one which we would respectfully submit to you, should be one that does not create differences in assessment rates as between competitive fuels.

MR BECKETT: In other words, all businesses, if they are in the same line of business, they should be assessed at the same percentage.

MR EVANS: They should be in the same category.

MR MORROW: There has been some suggestion, Mr Chairman, that by doing that, we could reduce it into about four categories.

MR BECKETT: That's correct.

MR HIGGINS: I would suggest, Mr Chairman, that there is a certain sense of equity here; that if people are in a competitive situation, that common equity would indicate they should have to operate under the same set of conditions-this is the suggestion to be borne in mind.

MR COWLING: Well Mr Chairman, are not most of the coal dealers now in the fuel oil business?

MR HIGGINS: They are...I'm speaking both for fuel dealers this morning, Mr Cowling....

MR COWLING: Not only for coal?

MR HIGGINS: Oh no, no no, because 95% of our people

also distribute fuel oil at the local level. But in our Brief, we have pointed out that, and this is something that has not been contradicted by anybody here this morning, that the natural gas transmission lines have a lower rate of assessment. I don't care what the rate of assessment is per se; I am suggesting very strongly that the rate of assessment applicable to natural gas should be the same as that applicable to fuel oil or to coal, because they are competitive fuels; and this situation is not that way at the present moment.

MR TAYLOR: The assumption is that the transmission lines is the same as the retailing of that commodity.

MR HIGGINS: I would have to perhaps quarrel with that, Sir, in one sense. I am not speaking for the companies concerned with the transmission of fuel oil; I would point out to you that the method of delivery of gas to a home is somewhat different from that of domestic fuel oil or coal. But they are basically fuels.

MR COWLING: But the retail end of it.....

MR SINGER: The retail end-you're not referring to transmission lines.

MR TAYLOR: No, the Section, 9 (1) 1, in that section comparing retailers with transmission companies-companies in the business of transporting or transmitting fuel oil is available only to the commodity they're transporting, but the pipe lines, they're in the business of transporting or transmitting....

MR SINGER: Yes there is however another tax on their pipelines- separate and apart.

MR TAYLOR: Yes but they don't have the business tax.

MR SINGER: But he makes the same complaint and I've said so from the beginning-it is perfectly valid- it is ridiculous to discriminate as between industries.

MR HIGGINS: Thank you, Mr Singer.

MR TAYLOR: I was trying to get at whether or not they were the same type of business. If a company transmits crude oil is it in the same business as the company that retails fuel oil?

MR HIGGINS: No, Sir, no; because the fuel oil comp-

anies, at the retail level, purchase their supply either by shiploads or by tank load and they come in by trucks or they go to depots where they fill their tanks and then, via their own home delivery trucks, they make drops at respective homes. I'm talking about that portion of the gas transmission that takes the gas at a city limit and from there in, they become the retail business from my point of view; because they are then in the same competitive business of providing fuel or power.

MR TAYLOR: That would be the distribution main that you are really talking about rather than transmission.

MR HIGGINS: That would be perfectly true, but...I was going to say you cant distribute without transmitting, but actually what I'm talking about is that if you take a situation in London, Ontario for example, where you have got a gas company in there which is selling natural gas to homes. You've got coal dealers who are selling coal; you've got oil dealers who are selling oil. I suggest to you that whatever their properties are, in this particular City of London, where they are in competition with each other in selling fuel or power, that the basis of assessment should be the same for all three, regardless of what the rate is.

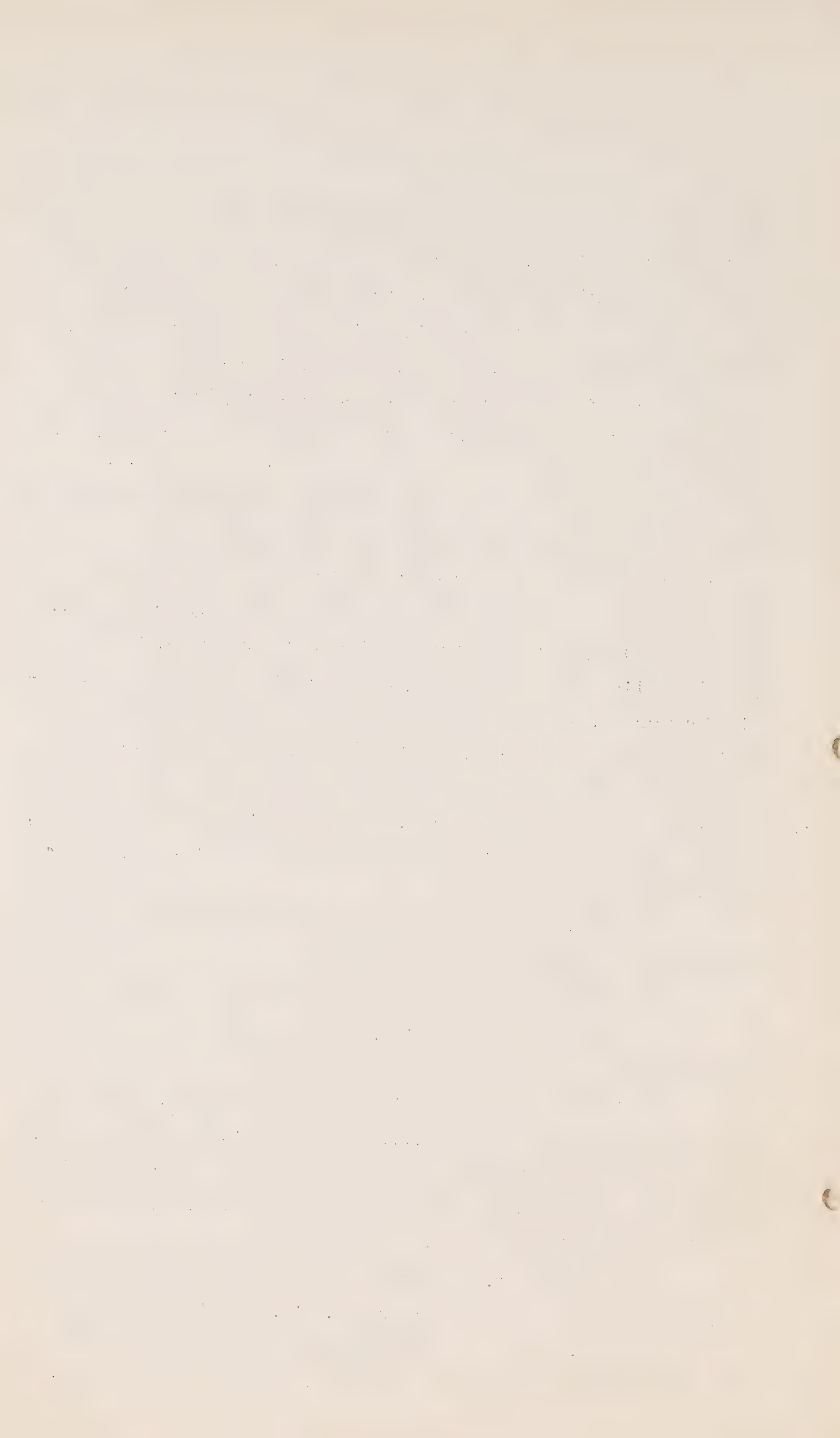
MR COWLING: In other words, Mr Chairman, it isnt distribution or transmission-it's deliveries.

MR HIGGINS: Fine. I'll be happy to change my word, Alf., from transmission but you still have to transport the gas from a central location in the city via lines under the street.....

MR COWLING:talk about lines of natural gas, they talk about transmission lines from the head of the lakes to Toronto; we have used that phrase in talking actually, and then they break it down into distribution lines. We're talking about delivery within an area via retail outlet.

MR HIGGINS: Thank you, Sir. That's exactly what I was trying to say.

MR EVANS: Mr Chairman, what about propane gas; what classification is it in?



MR BECKETT: I think this comes under the same category there, Mr Taylor, as retailers.

MR TAYLOR: The retailers-this is the point that I was trying to get at- when we compare the similar Sections as this Section 9 (1) 1 which deals with persons carrying on the business of transporting, transmitting or distributing by pipeline crude oil or liquid or gaseous hydro carbons....

MR COWLING: By pipeline-we're not talking about them...

MR TAYLOR: Well no. The rate payed is 25%. Now comparing fuel with that business, that is the retail fuel and coal dealers, you are in the retail business; are we comparing similar businesses?

MR BECKETT: I think you'd better read that (1)- please read all of (1).

MR TAYLOR: (reads) "Every person carrying on the business of transporting, transmitting or distributing by pipe line, crude oil. or liquid or gaseous hydro carbons, or any product or by-product thereof or natural or manufactured gas or liquified petroleum gas or any mixture or combination of the foregoing, for a sum equal to 25% of the assessed value of the land excluding any pipe line liable to assessment under Section 40 or 41.

MR COWLING: The thing is there, every person carrying on the business of transporting, transmitting or distributing by pipeline...these people are distributing by truck-they're not doing it by pipeline.

MR TAYLOR: That's right, and that's the point I'm trying to make. This Section has a 25% rating and applies to people transmitting or transporting by pipeline; now there's another Section-the (f) Section dealing with persons carrying on a business of the retail coal and fuel oil or being a lumber dealer....

MR COWLING: That's the fellow.

MR TAYLOR: Well Mr Chairman, in that Section the rating is different, a different percent, except in the cities of.....

MR HIGGINS: Mr Chairman, may I ask a question? Do

you consider the Consumers' Gas Company of Toronto a retailer?

MR COWLING: I would consider them a retailer within the limits of Metropolitan Toronto, yes-that would be my view of it; they're selling gas to the homes....the same as fuel oil or coal etc.

MR HIGGINS: All right then. They use pipe lines to distribute their product, do they not?

MR BECKETT: Mr Higgins, before you go any further, what is your definition of a retailer?

MR HIGGINS: That's a very good question, Sir; I would probably define a retailer as a person, firm or corporation engaged in the business of providing merchandise or services directly to the ultimate consumer.

MR BECKETT: But they produce, do they not?

MR HIGGINS: No, I dont think so-they wouldnt produce.

MR MORROW: Where does electricity come in-it's power. It's in competition.

MR EVANS: I was just wondering about propane gas; I dont see any place for that to come under.

MR BECKETT: I'd say it would come under (1).

MR HIGGINS: I'm disturbed, Mr Chairman, by the question being raised by this gentleman on my right. I think he's got a good point, but on the other hand, would someone please define for me pipeline? Now if you are using the word "pipeline" only in the sense of something that runs from Alberta to the northern limits of Toronto, then that's one thing; but what are you going to call the pipelines that are used laid down in the streets of Toronto to distribute natural gas directly to the home owner. Are they or are they not pipelines.

MR BECKETT: Well under Section 41 of the Assessment Act, there's your definition for pipeline-meaning a pipeline for the transportation or transmission of gas-that is designated by the Ontario Energy Board.

MR HIGGINS: Well that gets right back to the fact that they are transmitting gas.

MR COWLING: The hitch, Mr Chairman, is as you've

pointed out, Ed, you have your oil delivered by tank truck-that's the only way it's delivered at my house anyway; now if I want to have natural gas into my house, it comes to me on an underground pipe. If I want coal, it's delivered by truck, and electricity by wire. It gets pretty complicated.

MR EVANS: Well I think they are in competition, and should be in the same category.

MR BECKETT: And if you want to use propane gas, it comes by tank.

MR EVANS: Yes, in 100-lb tanks.

MR COWLING: You see we're talking about heating downtown Toronto now by either electricity or steam- so what about steam then...steam for heating purposes-that's through a pipe, isn't it?

MR HIGGINS: Yes, they've had such a unit in Toronto and in London, Ontario for many, many years, where they sell steam.

MR MORROW: Don't forget wood.

MR COWLING: So you've got steam, electricity, propane, natural gas and oil and coal and wood; and they're all retailing for the same purpose actually-to heat a house, you might say, or to run the appliances.

MR SINGER: Surely, Mr Chairman, it must be obvious as this discussion goes on, and similar discussions have gone on with other people, that any attempt to justify the basis for business tax as is presently in the Act is futile; you're playing with words all the way along the line if you try to differentiate on the basis of definition what somebody might have meant fifty years ago, because it doesn't make any sense. If we're going to bring in any sense to the business tax assessment, then we've got to have one category or maybe the four that somebody mentioned; personally I'd like to see one category where everyone in business pays one tax- that's the most equitable method.

MR BECKETT: Mr Higgins, that's the purpose of this Committee to try to see what we can do in the line of a simplified form of business assessment.

MR HIGGINS: Well again I repeat, Mr Chairman, I did

not come in any critical mood at all. I just wanted to raise these questions and raise these points, and I think you appreciate the position I'm taking here, that apparently there are certain inequities at the present moment, and I would ask that your Committee in deliberating on this particular problem, when you come to the overall situation where you are attempting to arrive at a basis, I respectfully request that you bear in mind the existing problem that I have presented to you this morning with the hope that you can come up with some sort of an answer that would at least put us on an equal, fair and equitable basis in terms of our relative competitive situation.

MR BECKETT: We are going to make a study of it; but you can appreciate the task this Committee is faced with to come up with something that will make it equitable for all businesses.

MR HIGGINS: I'm fully confident, Sir, you will do this, and I will report back to my people that I've had a most courteous and understanding hearing, and that at the appropriate time, you will bear in mind the submission that we've made to you. Thank you, Sir.

MR BECKETT: Thank you for coming, Mr Higgins.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-SEVENTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

THURSDAY,
August 9th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J. A. TAYLOR

Solicitor

MEMBERS:

Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer

APPEARANCE:

Mr. P. S. Mills

PRESENTATION:

BRIEF - MUSKOKA LAKES ASSOCIATION

MUSKOKA LAKES ASSOCIATIONHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well Mr Mills, we've read your Brief, and this has brought us up to date now, you can proceed any way you wish.

MR MILLS: All I wish to bring before the Committee is that a situation has developed in recent years in Muskoka and other places- Wasaga Beach, for example, that the majority of the taxes are being paid by the summer residents. That is not as true of Wasaga as it is of Muskoka where the percentage is almost 80%; and there is a growing feeling among the tax payers that they should have actual representatives on the council. This has been hampered in two ways, first by the late fall elections, and secondly by the doubt as to whether a summer resident is a resident within the meaning of the Act. Now the decision of Mr Justice Schatz in that particular case apparently stretches the Act, and I use that term advisedly to say a summer resident is a resident, but I think that the Act itself should make the thing abundantly clear. And I think in the face of that important decision, there should be a redefinition of the word "resident"-I believe this is required.

MR BECKETT: His decision was appealed?

MR MILLS: Well, that I was trying to find out this morning earlier. The opinion has been expressed that there is no appeal to the Supreme Court of Canada. Now the Hon. Mr Justice Kellock, who ought to know, said that by leave, there is.

MR BECKETT: Yes, I know, because he called me about this particular matter.

MR MILLS: Yes, yes; his opinion is it is by leave; it can go to Ottawa.

MR BECKETT: That's by leave of the Supreme Court of Canada?

MR MILLS: Yes. But no one knows if any application for leave has been made; so whether this is to be considered a final matter, I don't know.

MR BECKETT: It's binding then.

MR MILLS: Except that some other procedure which can eventually get beyond a single judgment might well be overruled, and therefore, I think that this Committee could very well clarify the definition of resident; so that some such thing as I have put in my Brief would be the test, that is residents for a period of a year, perhaps two months or substantial residence-something like that, and having property of value of at least \$1000, that is assessment purposes. You wouldnt want somebody just owning a vacant lot being considered a summer resident; they would have to be actual residents and a substantial one, perhaps \$1000 or some other figure used for assessment purposes.

MR BECKETT: It is considerably higher now than...
to be rated now than \$100.00.

MR MILLS: Yes, yes indeed.

MR MORROW: What judgment was it that....

MR MILLS: Mr Justice Schatz of the District of Muskoka- Judge Thomas.....a very specialized procedure with regard to elections and it is a doubtful point whether it can go higher; but it could easily and an action for a declaration-in fact it could go all the way. Now the other points in my Brief, I think there were a few, there seems to be on the part of local residents of Muskoka area, some I think unwarranted fear about having a voting place outside the municipality. Admittedly it's unusual as history goes, but personally I cant see any objection; if a large number of voters are in Toronto, why shouldnt they vote there? I think it can be substantiated as a fact that the majority of the residents, and certainly the Muskoka Lakes Association which has 1500 members would indicate that. Now it wouldnt add substantially to the cost of the elections to have a polling place set up in Toronto.

MR BECKETT: On the same day as the polling in the municipality?

MR MILLS: Yes. And it would delay the results maybe 24 hours-that's the worst that could happen, and it would result in the many who can not drive 125 miles to vote-they would not be dis-

franchised.

MR BECKETT: Mr Mills, just how far would you carry that- supposing it were only 50 miles...50 miles from the municipality?

MR MILLS: Well I think people would say we'd take the trip and go; but I think 125 is a different matter altogether.

MR COWLING: Well would there be any possibility, Mr Chairman, and if this could be arranged, if the Toronto people all be elected to all the local councils in the area?

MR MILLS: I don't think so, particularly now when the ward system will be set up; at least it's up for approval and I think that will be the development in Muskoka.

MR COWLING: That could be a very serious thing for people to go up there just to holiday and enjoy life, to be responsible for the administration of the municipality all through the other months-that could be a dilly.

MR BECKETT: That would be by remote control.

MR COWLING: By remote control. If I were a local resident, I'd just beat that one right into the ground.

MR MILLS: That can be overcome in one of several ways. First, I think the Reeve ought to be a local citizen, and that should always be; and there is no one from here wants to be in the position of Reeve in a township and have a full time job.

MR BECKETT: He'd have to have special qualifications.

MR EVANS: Don't you think that if they want to be on council and they're 125 miles away, they could certainly drive 125 miles to vote.

MR MILLS: No, but I think the people actually running would; they've got to do that, and that was proved this year. The two members who have not been unseated have continued going back and forth and attending council meetings. One of them told me last week, he had attended 20 meetings in the municipality. Now that's a lot of meetings and it shows a real devotion to his office.

MR COWLING: Yes, but on the other hand, Mr Mills, how is the local resident going to contact that fellow for some personal service in the area?

MR MILLS: Well the way they do it...largely from my experience up there, they see him at meetings when he attends council, and they have a Roads Committee and so on. Roads is the big issue up there and the attention has been on the local roads- all the same. Perhaps they have a right to that because winter conditions- ploughing and all that, but on the other hand- take Acton Island where I go for my holidays in July. There is no road except up to the point where one councillor lives.

MR KORROW: What about the school taxes?

MR MILLS: The summer residents are paying half. Now I know it is not an easy problem to satisfy the local residents, but when it gets to be such a preponderance of...now this is big business, the assessments of this township is over \$6 million and it shouldn't be run corner grocery store methods. I've been at council meetings there before there were any summer residents on council, and the proceedings were just disgraceful. If the councillors didn't like something that was being said by anyone appearing before them, they got up and walked out of the meeting.

MR BECKETT: That's real democracy.

MR MILLS: Oh yes, the reeve himself walked out for fifteen minutes one time leaving noone in charge. I don't like this and so I'm not going to stay and listen.

MR COWLING: Well what's wrong with that?

MR MILLS: Is this the way to conduct a municipal council?

MR COWLING: Well after all if he's the elected fellow it's his privilege to do that (both talking) Mr Chairman, I'm sympathetic to the local residents in this. And I've read quite a bit about it, and it just seems to me the people in Toronto are stretching it a little bit to run the show up in an area where they're just going for fun and games- that's what most people do at a summer place..

MR MILLS: No...let me say this that Al White who is a local resident, is a member of the council and is perfectly satisfactory to everyone concerned. But with an increasing trend that way, there are people retiring and living there the year round, and they

will be council material-there's no question about that. Col Bishop of the Consumers' Gas Co, who is a member of our Association, told me that their survey indicates that there will be 50,000 residents in the Muskoka area within the next ten years-it's the three lakes. Now those are going to include a lot of year round people retired with winterized homes that are satisfactory and so on. This is going to be something other than it is now; I mean this has been up to the last few years a very small winter population; it's not going to be that way-it's increasing every year.

MR MORROW: Are they winterizing?

MR MILLS: Yes, I know people-one in particular from the city, who never missed a week-end the year round. Now those people arent just summer residents going up there for fun and games-they have property interests that are very substantial, and year round interests. Now I dont disregard the rights of the local residents at all, but the one big issue is planning. Now if we were not under the influence of your Planning Department, there would still be no by-laws really of any kind or authority to govern building because the local residents dont want it-it's interference with their property rights. If a farmer wants to sell a little corner of his property, who should tell him that he cant.

MR BECKETT: I think it is interference, but of course we have to....

MR MILLS: But I am saying if were not for the interference of our Association and other interested people, there would not be any planning done, and the local people will not take care of this situation because at the present time they're satisfied....

MR COWLING: Dont the American people as property owners have a vote? (no)

MR EVANS: Mr Chairman, I was wondering...Mr Mills mentioned that they only paid half the school rate?

MR MILLS: Yes, that's purely by decision of council. They dreamed this up-this is what we should do for the summer residents to give them a break on taxes, and what more did they want?

We appreciate it but it isn't the whole answer.

MR MORROW: Could you incorporate yourselves up there or are you too far flung?

MR MILLS: No, we couldn't possibly; for instance Acton Island I imagine is six miles long; it's just covered from end to end, but it's just a small part of the area-up to the north end to Lake Joseph is 15 miles.

MR COWLING: Well the Toronto people, if they don't like going up there enjoying life and letting the local people run the municipality....

MR MILLS: No, not when roads are in very poor condition and other municipal services. There's been a lot of difficulty over garbage disposal-that's a big issue-sanitation and the Department of Health is interested in that. There are ever so many things that the 1000 people we may call natives are not interested in, and they will soon be outnumbered...there's an estimated 20,000 people living there in the summer time now, and when this becomes 50 to 1, why should the tail wag the dog. They certainly have their rights and should be represented properly and so on, but...

MR COWLING: There are thousands of people there for just a couple of weeks or for three, well are they going to tell the local residents....

MR MILLS: No, no the people who go to hotels--to summer hotels...

MR COWLING: They go to cottages too, hundreds of them.

MR MILLS: Not very many of them go for just a couple of weeks-it's a pretty expensive holiday for people to own a cottage and just go for a couple of weeks-you really don't get your money's worth under three months.

MR COWLING: Some people rent their cottages and they never go at all.

MR MILLS: Not very many.

MR BECKETT: Have you ever thought of tenants not having that vote?

MR MILLS: No, I hope I'm not overemphasizing this but the situation is getting very serious from a health standpoint, and Dr Fardo from the University of Pittsburg, who's supposed to be an international authority on subjects like this said this is the big reason for having a good council up there, that they will tackle the garbage and these other situations that need tackling; the local people just dont appreciate this; they dont see what's happening.

MR BECKETT: I suppose the local people dont want to be taxed too for anything extra in this regard.

MR MILLS: Well garbage disposal has never been a problem with them.

MR BECKETT: No, but then if you're going to do it in a systematic way, there would have to be special taxes for garbage disposal, and they wouldnt want that.

MR COWLING: All these extra services are really the result of the Toronto people being up there, arent they? (yes) So maybe some deal could be worked out where the summer residents pay for the things that they want, and the local residents dont.

MR MILLS: That might very well be.

MR MORROW: Garbage disposal could be one that those who use it pay for it.

MR MILLS: You see these people make their living out of the summer residents-there's no industry-virtually none.

MR COWLING: But the point is they live there for twelve months and enjoy life as they see it; so we come up from Toronto and we want to shake the whole deal around for our little convenience in the summer time.

MR MILLS: Now it hasnt been necessary in the past; let's see I've been going to Muskoka for 34 years, and I wouldnt have advanced this argument ten years ago; but the influx of people and the sanitation problems and all these things that are coming up make it imperative, I'd say, to have something better than corner grocery store method of administration of a \$6 million assessment be provided. Now that's my point.

MR EVANS: Mr Chairman, do you think we could pass

legislation to cover a situation like this or would we run into trouble with other little places?

MR BECKETT: I think we'd run into trouble. We only have legislation to provide that people who live in a summer resort vote where they actually live or...

MR EVANS: I mean in regard to the setting up of polling booths down here in Toronto.

MR BECKETT: Well then suppose you had property in two municipalities, would you want the polls set up in Toronto, if you have a vote in Hamilton or Niagara Falls, or do you want to restrict it to summer places.

MR MILLS: As to that, Mr Chairman, it would only be permissive, and the council would have to reach the decision. Now I cant imagine any council that's on the job at all ordering a great number of polls all over the country. In other words, there would have to be a substantial vote in prospect for any council to exercise this permissive power. All the Legislature will do is to say if you decide there are 3000 people maybe in a particular area, you may set up a poll there.

MR BECKETT: But I imagine that people come from Hamilton, London and all over who go to Muskoka.

MR EVANS: Wouldnt a special Bill be better to have summer elections like Wasaga Beach?

MR MILLS: That might be. Actually the Member for Muskoka has suggested if the council would ask him to do it, he would bring something forward like that; on the other hand, it's a wider problem than Muskoka, I imagine. I can only argue from my personal knowledge of Muskoka, but this situation is bound to arise in Haliburton and other places such as Wasaga Beach that have these increases in population. I think another answer to it as is suggested in my Brief, is to change the fiscal year.

MR BECKETT: You should have been here yesterday (laughter) the Mayor of Ottawa doesnt agree with that. (chit chat)

MR COWLING: Mr Chairman, you cant work out any arrangement with the local people; you've arrived at an impasse?

MR MILLS: I would say this that they have, as far as I know, no serious objection to a ward system, so that for instance, Wood Township is the southerly one, and they are always the dissenting to all the things that are done. Now they are much happier when they are set up as a separate ward to elect someone from their township. I think they're happier with the set-up because it's been at large, you see the election before-electing four councillors from the whole united townships; and these people in the south felt that they didnt have a fair chance.

MR COWLING: What was your safeguard against electing all Toronto members of council other than the reeve?

MR MILLS: Well at the moment it's the reeve and one local man and three Toronto men have been elected-three to two, and I havent heard anybody say that they wanted to eliminate the local people- I never even heard it suggested, and I dont think it would be sound. I dont think it is likely to happen...it could happen, I agree, but it isnt an easy thing to get a full council to run because people dont want to spend that time for meetings and committee meetings, people from the city; but there are always lots of local candidates and there will continue to be, I'm sure.

MR EVANS: Is the percentage of the Toronto people who voted to the local people very high?

MR MILLS: Last year my recollection is that there were something like...well 345, I think it was, was enough to elect a councillor, so that it doesnt take a very large number of Toronto people to sway the vote. You see there are only around 1000 local residents and not all of them vote. I think that last year something like 100 went up from Toronto to vote and that was enough to elect three councillors. But it is an artificial thing to organize a couple of busloads and take them up to vote; it's just not satisfactory.

MR BECKETT: How many non-residents...I will call them that...are on the lists?

MR MILLS: Oh a very large number, between 1000-2000...I would say....

MR COWLING: Could it be double?

MR MILLS: Oh yes, yes, easily; we sent out a questionnaire to our residents, and then the council seeing the result of that, sent out a questionnaire to all the ratepayers asking if they wanted a different election date, and the answer was 1076 in favour and 75 opposed. Now that's a remarkable result.

MR COWLING: Did they mention the date or just....

MR MILLS: An earlier date just was what the council sent out. Now if there was locally determined opposition, I would think there would have been more than 75 say so. So I'm leaving a problem with you, Mr Chairman and Members, but I do urge upon you that it is a study of a much wider situation than I have outlined. I think this is going to be an increasing problem right along.

MR MORROW: There are quite a few communities like this flaring up all over the province-resort areas.

MR MILLS: Oh yes, and if our population increases, and we hope our economic positions are good, it's bound to happen.

MR EVANS: You take Lake Simcoe where there are large summer resorts along Lake Simcoe, a lot of people with cottages from Toronto, very few of them ever come up to vote.

MR MILLS: Well there is one place where I think they do have a summer vote...I think so.

MR COWLING: This just indicates that the Muskoka people are a little better organized than the Lake Simcoe people.

MR MILLS: Well there's also this-Lake Simcoe has been a summer community for 50 years more than the northern areas, and you've got a lot more municipal services there than you have in these outlying places.

MR COWLING: Maybe there are things from Lake Simcoe that you could learn that might help out in your situation.

MR MILLS: Well I think they've been developed over a period of years while this is a mushrooming situation; the population is growing tremendously and is continuing to grow. There are as many as 50-60 building permits issued per month.

MR EVANS: What would be the mill rate up there?

MR MILLS: I can't tell you that-I should know.

MR BECKETT: Could you tell us the basis of assessment?

MR MILLS: That's an awfully good question. My son asked the assessor why his place was assessed as four acres, when it was three-quarters of an acre, and the answer was: Well I got the wrong information from Eddie Mortimer. So the basis of assessment, I cant really be sure.

MR GORDON: These building permits that are being issued- are they for summer residents?

MR MILLS: Yes, sure most of them.

MR BECKETT: Does it state there have to be permits?

MR MILLS: Oh no it doesnt state that, but there hasnt been any influx of population, and I go on the fact that Hal White as Councillor tells me-they have issued 150 some permits up to I think the 15th of May, and they then began to come in for more. There will be the odd one throughout the township for local, but the bulk is for the summer population, and the building is increasing very substantially, and I see many are winterizing their places as permanent places. That's why the whole situation has to be studied.

MR BECKETT: Any other questions? Well thank you very much, Mr Mills, we will take this whole matter under study.

MR MILLS: Thank you, Mr Chairman and Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
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AND RELATED ACTS

Committee Room No. 3
Parliament Buildings,
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THURSDAY,
August 9th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

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APPEARANCE:

Mr Gordon Crocock
Mr Donald Stannard
Mr Dennis Latten
Mr Donald MacFarlane

PRESENTATION:

BRIEF - POLICE ASSOCIATION OF ONTARIO

POLICE ASSOCIATION OF ONTARIOHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr Crocock, would you introduce the members of your delegation?

MR CROCOCK: Mr Chairman and Members, the gentlemen here are representing the Police Association of Ontario, to the left is the Treasurer, Mr Dennis Latten, Metropolitan Toronto Police Dept; representing Hamilton is Mr Donald MacFarlane, and Mr MacFarlane is here in place of Mr Barrett, then Mr Donald Stannard, our Second Vice-President of the Windsor City Police Dept.

MR BECKETT: Thank you, now you may proceed; these meetings are very informal and the Members of the Committee will ask you and other members of your delegation questions-feel free to answer and to proceed in any way you wish.

MR CROCOCK: Thank you, Mr Chairman, I'd sooner read the Brief first and then maybe break it down. It's addressed to you, Sir, and the Members. (reads) "Honourable Sir: The Police..... such amalgamation or annexation." (page 3, para 1) If I may just speak here for a moment in regard to the protection of a police officer as a result of amalgamation or annexation. The reason the members of the Police Association of Ontario are concerned about sub section b of Section 18 of the Police Act of Ontario and Ontario Regulation 17451, 1961 edition, is that the wording used in this Section, which was basically inserted in the Regulations to cover the one year probation period, whereby an undesirable probationer could be dismissed from a police force, can now be used in a way for which it never was intended. It is this problem, which we of the Association, now place before you, that a constable may be discharged from a force formed through amalgamation or annexation, regardless of past service record, and without first receiving a charge or hearing within his first year on the force. Now as an example, let us take the case of a man who holds the rank of a first class constable with police force A. It is decided by the Municipal Board that certain municipalities are to be

amalgamated on the 1st day of January (2nd Brief to page 2, para 2)

MR GORDON: When you say regardless of past service record, you mean he is not given credit for previous service, no seniority, pension funds or so on.

MR CROCOCK: I was coming to that, Mr Gordon. Another item quite evident is that when a constable or other police officers... are granted or not." (page 3, para 1)

MR BECKETT: Just there, when Metropolitan Toronto was formed, we did take that into consideration when the police forces of all the area-the municipalities- was formed into one force; is that not correct.

MR CROCOCK: Yes, that's right.

MR BECKETT: But you'd want the same or maybe better than was done then or...

MR LATTEN: We would like the same protection...

MR CROCOCK:sort of spelled out so that you know you're going to get that protection.

MR BECKETT: But that would cover the point pretty well, would it not? (yes)

MR MORROW: Mr Chairman, you wouldn't expect that maybe a Chief Constable from a small municipality coming into a large metropolitan municipality like Ottawa or Toronto or something like that to have the same rank in the new municipality?

MR BECKETT: Well take the case of St Catharines that you mention here-St Catharines annexed Stamford Township or part of it-they had a Chief there...of course he stayed on with the Township.

MR CROCOCK: All other ranks were made acting ranks-all but the Chief.

MR BECKETT: Then that would be up to the Commission when they did get straightened around. (yes)

MR GORDON: Mr Chairman, there's just a minor item here, we are asked to enact legislation-I just might mention that we can't enact any legislation, we can just make recommendations. (yes)
Has this been a serious problem?

MR CROCOCK: Well as we say, it's only happened in St Catharines; it brought this all to light actually, but it could happen.

MR GORDON: And they were all hired as third class constables (yes) rehired?

MR CROCOCK: No, it took some time to get them all sorted out; as I say they were all acting ranks.

MR GORDON: Some lost their jobs?

MR LATTEN: Some did.

MR COWLING: You're from Metropolitan Toronto? (yes)
Was that Bill 80 of Metropolitan Toronto satisfactory to the police, and you think it should apply to other sections of the province? I know that during that time, and I was one of the members of the Committee along with the Chairman and some others, there was a great deal of consideration given to the police set-up, and local police chiefs from Etobicoke and Scarborough and other places, although they weren't continued on as chiefs, they were made deputy or district chiefs in the areas and they seemed to be quite happy with that, and the arrangement has worked out o k.

MR STANNARD: I think our main concern is to have this protection for Ontario. I know in our own Windsor area with annexation -if the request is granted, we're going to be faced with the same problem as Toronto, except it is going to be with smaller forces, so if a constable has some experience, possibly from 7 to 10 years, it could mean that Windsor, supposedly over staffed, it could result in it not taking in the members from the surrounding municipalities.

MR COWLING: They'd be out of a job.

MR STANNARD: Yes, and we feel this is unfair because amalgamation or annexation doesn't take into account their years of service, and it is possible that they could revert back to probationary officers and thereby lose all the service they have accumulated and this could be a great loss to some of these men.

MR BECKETT: Then there would be another question too, about your pensions; you might be too old to get on a pension scheme.

MR STANNARD: That's quite true.

MR LATTEN: Police in themselves need this protection probably more than other members of various industries do because we're restricted in our employment. And we have other restrictions, too, age, physical fitness and if a man loses his job as a police officer in one municipality, he has to seek employment in another, because it isn't like a bricklayer or a welder- you have to go to another municipality.

MR CROCOCK: We move on to item B in our Brief, re Sick Leave Credit Gratuities, (reads, page 3 para 2) It has been proposed.....in respect to these matters." (page 5 para 2) You notice, Gentlemen, in 60 it has just half the number of days- we have inserted the word "full". And in regard to C, Hospitalization. (going to second Brief (page 3, para 2) (reads) "Referring to items.....of wage negotiations." Where it says in Section 61, under insurance, hospitalization etc, subsection (a) "no bylaw under this paragraph shall authorize contributions by the municipality in excess of the total of those made by the employees." The same thing applies to Section 62, subsection (a) in regard to hospitalization: "no bylaw under this paragraph shall authorize contributions by an municipality in excess of the total made by the employees." In other words, it's a 50-50 deal. We pay 5% and they pay 5%, and we would like to see those restrictions removed if it is possible.

MR EVANS: Such as they are, say in public utilities.

MR CROCOCK: That's right. Some employers pay the full amount of hospitalization, and we're restricted to 50 - 50 , so to speak.

MR BECKETT: You'd like it left to the discretion of the council.

MR CROCOCK: Yes, as a point of bargaining.

MR BECKETT: There's no bargaining now because it's set right out in the Statute.

MR MACFARLANE: If the municipality pays 50% that's the best you can get.

MR BECKETT: Just before you go on now, back to that



question of sick leave gratuities, wasnt that satisfactorily settled when the Metro Police Force was formed?

MR LATTEN: That was one of the points mentioned and some of the suburbs did on that particular point and some of the suburbs-Etobicoke was one we were entitled to our sick leave pay at the end of ten years service-now we did lose that. In other words we could draw six months pay at the end of ten years.

MR CROCOCK: Continuing on page 4, Observation.
(reads) "Regarding item (A).....in respect to these matters."
(page 5, end para 2)

MR GORDON: Did that actually happen in St Catharines? That a first class constable was hired as a third class constable?

MR CROCOCK: Well I believe they were pretty fair about it but....

MR LATTEN: One of the inequities of doing this is they had to sign a new application for a job to the new force and that is contrary to the Police Act because they were taking on new men or similar men and making them make a new application and many of them were over 35 years of age which means they couldnt join the Police Department in any case. Now some of them lost their employment for a year and they were never compensated. Now how you can let a man join a force if he's ineligible under the Police Act. But this is what happened.

MR MORROW: Back on page 3, at the top of the page could we ascertain there whom you had in mind when you mention (reads) "make representation at this time for the purpose of securing, by way of legislation or otherwise, the setting up of a committee of referees to deal with any matters in dispute that may arise out of such an amalgamation or annexation." Could any of you gentlemen mention who you had in mind as a committee of referees?

MR CROCOCK: No particular committee.

MR BECKETT: Maybe it's just unfortunate that when the Ontario Municipal Board makes an order on annexation that your Association isnt taken into consideration to get some protection. I

dont suppose that's ever been done in an annexation order.

MR MACFARLANE: I dont think the matter ever came up before.

MR MORROW: The other employees are usually in the agreement-the employees in the municipalities.

MR BECKETT: Well they're generally taken care of in the agreement. What happened in the City of London annexation? That was quite an annexation-were the police outside...

MR STANNARD: Yes, they didnt rehire any of the town ship men until about seven months after, and only recently they have taken on a few more men. Most of the men went to either the Provincial or went to other locations. There were very few of these men that actually the City of London took on the force, and this is what is happening and may happen throughout the whole of the province as long as annexation exists.

MR BECKETT: So they actually lost seven months pay then, and then when they were rehired, in what capacity were they rehired?

MR STANNARD: Taken on as constables.

MR BECKETT: They had to then stay on for a certain period before they got reclassification - probationer?

MR STANNARD: That's right. Even the Chief Constable was asked to take a job in training-eventually of course he became Mayor. (laughter)

MR EVANS: Mr Chairman, you said other employees, say in the metropolitan area here, when there's annexation taking place, were considered in the annexation....I dont think there's any employees considered in annexation.

MR BECKETT: No, I didnt mean it that way...

MR EVANS: You mean it's in the agreement?

MR BECKETT: Generally it is understood and arranged that they will be taken care of.

MR EVANS: But it's not in the agreement-⁺ mean part of the order.

MR BECKETT: Oh no, not part of the order. Another

question I was going to ask you, when they were rehired, what about their salaries.

MR STANNARD: Well depending on their years of service, they were paid but they lost their seniority.

MR MACFARLANE: You see, Sir, in the case of the smaller municipality, the scale or rate of pay in the larger municipality is greater than in the small municipality, and there were all ranks; and a number of men are more qualified in the larger municipality because of the larger force, they havent had an opportunity for advancement. So it's quite understandable that possibly these ranks coming from the small municipality to the large arent as qualified, therefore they should wait their turn. It's something...you couldnt just set up the ranks, but what we are concerned with is their pay. We feel that if a man is drawing a certain pay in a municipality for some years, then when that municipality is annexed by a larger municipality, then they should receive the same rate without any loss of pay. You can understand a number of the younger policemen are buying homes the same as anyone else and they budget themselves accordingly, and we feel it's unfair that they should suffer because of such an annexation.

MR CROCOCK: Now on page 5 of the original Brief, we come to Part 2, The Highway Traffic Act, (reads) R S O, Protection for police..... and their safety." (end of large Brief) We are still liable...

MR BECKETT: You wouldnt want that eliminated, civil liability.

MR CROCOCK: No. Now referring to the other paper I have here on the Highway Traffic Act, (reads) "We feel as did a provincial.....on the crest of a hill." The magistrate saw fit to dismiss the charge of careless driving against this officer.

MR GORDON: Well that's the only way you have of arresting....

MR CROCOCK: We have to break the law, Gentlemen, if we want to catch the man.

MR GORDON: If you want to get a case against a man for speeding, you have to catch him.

MR CROCOCK: And we have to break the speed law in order to catch him.

MR GORDON: The day is gone when you can just take his license number-you have to actually catch him.

MR CROCOCK: Yes, we have to catch him and be able to identify the driver.

MR GORDON: And if he is going 80 miles an hour, you have to go at least 85.

MR CROCOCK: Probably 90 or even 100. And if something happens maybe to the steering, he might roll his cruiser over, and he might escape with his life, and if he does, he'll probably be charged with careless driving.

MR BECKETT: Has the Association requested this before?

MR LATTEN: About three years ago, to the Attorney general.

MR BECKETT: That's what I thought- about three years ago. What was his reply, do you remember? Or did he reply?

MR LATTEN: He did reply. He suggested that the Fire Department were looking for some changes in their Act along the same lines.

MR CROCOCK: This is just hearsay talk that I know of-it was suggested that things be left as they are until some policeman has been convicted of careless driving. In other words, let the sleeping dog lie and that is the way we took it.

MR LATTEN: The way we feel any police officers who are negligent in the operation of a motor vehicle by taking them under the Highway Traffic Act they're not getting off scot free because under the Police Act, my experience is if you come before the Chief Constable, the penalties are much more severe than under the Traffic Act.

MR MORROW: Has the Fireman's Association asked for a similar request?

MRS ROWAN: We havent received their Brief yet.

MR STANNARD: You see, Gentlemen, police officers today are getting very leary in chasing people- a case such as we had

in Windsor not many weeks ago where two individuals were killed from the speed of the vehicle of over 100 miles per hour. These persons were being chased by the police, but had the police become involved in any accident, they would have been liable for prosecution under the Highway Traffic Act which is in the Act and there's no way around it. We feel that the police officer, who is doing the chasing of persons breaking the law, the police officer must have some protection. Civil is one thing and he understands that, but criminally we feel that there must be some protection under the Highway Traffic Act so that this man or these men can do their duty without fear of prosecution.

MR BECKETT: Has your Association studied this matter in other jurisdictions outside the Province of Ontario?

MR CROCOCK: No, I don't think so.

MR STANNARD: I understand it is being studied by the new Ontario Police Commission.

MR LATTEN: They are also making a submission.

MR EVANS: Well it wouldn't be possible to ask you to carry out your duty-if I was to call you and you had to get over to my place in a hurry; naturally I would expect you to drive as fast as possible it would be safe to drive, so that you would be exceeding the speed limit.

MR MACFARLANE: You'd be annoyed if I drove at 30 miles an hour, stopped at every stop street along the way.

MR EVANS: Sure I would.

MR MACFARLANE: The same thing would apply if you were rushing a very sick person to a hospital-this way you have to take your chances if you speed.

MR EVANS: I drove down to Toronto the other day when a police officer caught an ambulance which was coming from Sudbury with a baby going to the Sick Children's Hospital; and the ambulance broke down and the cruiser had to pick up this child-well he was doing 75 or 80 or better. As far as I'm concerned, I can't see why any officer has to be prosecuted-I think that should be his right.

MR MACFARLANE: We haven't that right at the present time.

MR EVANS: Yes, I know you haven't that right at

the present time, but I think it should be.

MR STANNARD: You see there was some indications as well from the press, which is one of our trouble spots perhaps, that we shouldnt chase people when they travel over a certain speed. But it stands to reason that if the growing youth today-people whom we are dealing with-that if we're not going to chase them and they know this, then what is going to happen to society as far as motor vehicles are concerned? So the only possible way we can come up with is to give the police officer some protection under the Highway Traffic Act and with such assistance, he can do a good job.

MR MORROW: There is one thing in your favour, it's not commonly known that you cant exceed the speed limit.

MR STANNARD: We can the same as everybody else but we need the protection.

MR MACFARLANE: It's amazing, Sir, how many people of the criminal element know that we cant.

MR MORROW: Perhaps they do. I for one wouldnt have known. I expected that both the Fire Department and the Police Department could exceed the speed limit in the discharge of their duties. (general chit chat and stories)

MR MACFARLANE: I dont think it would be abused; as Mr Latten pointed out, the police officer can be prosecuted and disciplined under the Police Act; and if it were abused at all, it would certainly be in a very small minority of cases.

MR BECKETT: Which would be to your detriment.

MR LATTEN: I think the Chief Constable would be much more severe than a magistrate, Sir. There are limitations on magistrates; on the Chief Constable, the limitations are almost non-existent. (laughter) It has happened under summary conviction where the fine is \$25 under a magistrate, it has happend that the Chief Constable has made his fine \$1000 by reducing his rank.

MR BECKETT: The penalty was greater.

MR LATTEN: Much greater- the man was reduced from a first class constable just a few weeks ago in Metropolitan Toronto to a third class constable, and this is a penalty of \$1100 a year.

MR STANNARD: Whereas under the criminal code, the fine for careless driving wouldnt be more than \$25.

MR BECKETT: I think the members of the Committee are quite aware of your predicament-that's what it really is. If you want to enforce the Highway Traffic Act, you have to break it.

MR CROCOCK: Gentlemen, this is the Brief of the Police Association of Ontario to the Select Committee studying Municipal Law, re Section 27 (1) of the Police Act of Ontario, RSO, 1960, Chapter 298. The Police Association of Ontario being aware that this Committee has received a recommendation that the rank of Inspector be removed from bargaining provisions of the Police Act, wishes to submit opposition to any such contemplated actions. Under the existing legislation, the bargaining unit usually an Association of Police Officers with the approval of more than 50% of the members of the force are charged with the responsibility of negotiating and maintaining a reasonable and fair standard of wages and working conditions for the members of the force. The same legislation prohibits members of the force from affiliating with Trade Unions, and it is to be drawn to the Committee Members' attention that the bargaining procedure for police is indeed more conservative and restrictive than those which are common in the labour field. The PAO is now and has ever been content with this moderating procedure of employee-employer bargaining. However, a suggestion that the removal of any members from the sphere of this now accepted basic right, arouses our very genuine and sincere opposition. As succinctly as possible, we list our reasons for this stand, having already received assurances from your Chairman, that we will be invited to appear and explain if this is deemed necessary.

LACK OF STANDARDIZED RANKS- For the edification of the Committee, we point out that there is no standardization of the ranks on a municipal police force, neither by name, qualifications, nor assigned responsibility; neither is there any restriction on the number of appointments permitted each department. In effect, the sergeant on one department, may well be performing the identical duties of an inspector, lieutenant or deputy-chief on some other department.

MR BECKETT: Excuse me, right there, I think the Com-

mittee would like to know the duties of an inspector-when you use the word "inspector"...well...

MR CROCOCK: Well we have none in Brantford; maybe some of the other men can tell you-elaborate on the duties of an inspector.

MR LATTEN: Our argument particularly on inspectors is that he doesnt come within the form of administration; he hasnt got the power to hire or fire or discipline. All he has is a supervisory position like a sergeant or a full sergeant has over the men. He maybe can exceed their authority, but he still hasnt got any authority of administration.

MR BECKETT: That's really the only purpose of keeping the Chief out of the bargaining unit...and the deputy, on account of them being part of the administration.

MR LATTEN: Of course our argument is that it will be like the case it was over the deputies. In the smaller municipalities where there were only three or four men, they immediately made one man chief and one man deputy, the other two...

MR BECKETT: Half the force.

MR LATTEN: That's right. Now the post of inspector there's nothing to stop them from having a chief, a deputy chief and an inspector.

MR GORDON: In industry, would an inspector be like a straw boss or foreman?

MR STANNARD: He would be in a supervisory capacity-a sergeant is somewhat like a foreman and then it would go up to supervisor of a department, although he doesnt hire or fire or do the disciplinary because that is done from administration- that is the separation between administration and supervisory.

MR GORDON: We dont have any inspectors in Brantford, do we?

MR CROCOCK: No, Sir, staff sergeant and then the deputy chief.

MR STANNARD: But this could happen in many municipalities where today they only have a chief and then they go down to a staff sergeant and detective sergeant; they could bring them up to in-

spectors and then take them out of the bargaining unit which would decrease the negotiating field as far as the members are concerned, and it would put many more men into the administration end of the department. It should really be the chief, and the deputy could, in the absence of the chief, the deputy could take over.

MR LATTEN: In the case of Toronto, it would do much more than that, because in Toronto as it is set up now, we have the chief and the deputy chief. For inspectors, we would also include staff inspectors, district chiefs.

MR BECKETT: How many would that involve in Metro-what number, would you know?

MR LATTEN: There's 6 districts chiefs and there must be at least a dozen staff inspectors, inspectors would be around 30 or 40; it would remove quite a large part of the bargaining unit.

MR BECKETT: They wouldnt sit in on the administration of the department.

MR LATTEN: No, they carry out the policy set by the department.

MR MORROW: An inspector of traffic, for example, he is not in on policy in the Traffic Department, for example?

MR STANNARD: The department doesnt make the policy for traffic; it's either done by a committee of city council or by the Traffic Act....

MR MORROW: It's a matter of enforcing whatever the policy is. (right)

MR LATTEN: In Toronto the inspectors themselves dont want to be removed from the bargaining unit.

MR CROCOCK: The last census we had, the last questionnaire we sent out whether they were for or against being removed, and we had the replies back from Metro at that time, there were 72 in favour of remaining in the bargaining unit and only two against.

MR EVANS: How many members belong to your Association?

MR CROCOCK: 8000.

MR BECKETT: How many would there be police officers-

that could belong? How many more?

MR LATTEN: I think there is only 177 who are not members from small....

MR EVANS: From a one-man force or something like that?

MR LATTEN: Yes and they call themselves chief.

MR BECKETT: You actually represent practically all?

MR LATTEN: That is right and our intention is to have every police officer belong to the Association.

MR MACFARLANE: There is some question, too, Sir, as to whether the Chief Constable's Association will accept inspectors into their organization; if they did not and they couldnt belong to ours, then they would have to form their own organization. Then we would have a Chief Constables Association, an Inspectors Association and eventually a Sergeants Association and a Constables Association- we're just breaking the force down.

MR EVANS: Does North York Association belong to your Association? (yes)

MR Crocock: I'll carry on with this Brief, Gentlemen. (reads) The Committee therefore, dealing with the singular police rank of inspector, is handling a miscellaneous and ambiguous number, which is neither by statute nor common practice. This is a question which has been before the Hon. the Attorney-General for a number of years, and one incidentally, which has on one occasion been rejected. We have surveyed the inspector rank of all municipal departments; in no case have we discovered the rank for any true executive substance. These men have neither the right to hire, nor to fire. They have no authority other than to recommend. As I say, Gentlemen, we made a survey and the most recent results we have total in favour of retaining bargaining rights-94; total wishing removal from bargaining rights - 8.

MR BECKETT: Would this be the large municipalities?

MR CROCK: Well one was from Sault Ste Marie, two from Kingston, two from Metro Toronto and three from Sarnia-one was neutral-that was Chatham.

MR BECKETT: Well in view of the fact that inspectors do not perform any administrative duty, I wouldn't think they should be excluded. That is the idea in all labour relations; it is only the administration that is not accepted by the ranks. That's why I wondered what the duties of an inspector were. We really haven't found that out-what their duties are.

MR MORROW: It's not administrative anyhow.

MR STANNARD: No, it's supervision and direction.

The only administration possibly would be the hours of work and things like that which would come under the category of supervision. They are directly responsible to the deputy chief for the men under their command, and they would recommend any changes, but they wouldn't have the right to make the changes themselves-that must go to the administration.

MR BECKETT: So in Metro Toronto, you have your deputy chief and you have your inspectors under your deputy chief?

MR LATTEN: The inspector accounts usually to the staff inspector and the staff inspector to the district chief, and the district chief is responsible to the deputy chief. You have to draw some line for removal because a sergeant might then be considered as part of administration too, and that would reduce the Association's bargaining power and certainly weaken it.

MR MORROW: That would be the next step.

MR STANNARD: I think in Metro-this is an unusual case; because of annexation they have to do something with all these chiefs from the different areas, and I think, in order to accommodate all these senior officials, they did make some extra ranks, so this perhaps wouldn't happen in....

MR BECKETT: In an ordinary annexation?

MR STANNARD: Yes, that's right.

MR EVANS: Was this in order to keep their salary up to the.....?

MR STANNARD: Yes it probably was.

MR NEIL: Was your Association involved in this?

MR LATTEN: Well it was a difficult problem involv-

some 2500 men-it's a lot of integration.

MR MCNEIL: What is the size of the force at the present time?

MR LATTEN: At the present time it's 2600 and some.

MR STANNARD: So there is room for them. But in the smaller municipalities where they have from 50 to 200 men, there would not necessarily be that same problem. I know in Windsor, it's Chief Constable and down in the areas they would be made inspectors; in Toronto they couldn't do that because they had so many inspectors.

MR BECKETT: Would any other members of your delegation like to make any comment generally on the Brief.

MR CROCOCK: I think we've covered it pretty unless anyone has something else to say.

MR LATTEN: I believe that Metropolitan Toronto Police have submitted a Brief to this Committee also. Well as far as Metropolitan Toronto is concerned, the inspectors don't want to leave our association, and with that thought in mind, it would be like a small town where everybody would be chief and there would be no Indians.

MR BECKETT: In other words, you don't want to weaken your Association.

MR LATTEN: Yes. And if you remove the higher salaried people, it's easier to replace the Indians.

MR STANNARD: Not only that but the people involved themselves prefer to stay where they are. They feel if they leave....

MR BECKETT: There's more security in the bargaining unit. Well Gentlemen, I think the Members of the Committee are fully aware of the different matters you've brought up, and we'll certainly give them our consideration when we get around to making our report. We appreciate your coming, and if you have any further ideas or suggestions to make, please send them along.

MR CROCOCK: We appreciate the time given by you, Sir, and your Committee. Thank you very much.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE TWENTY-SEVENTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

FRIDAY,
 August 10th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

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APPEARANCE:

Gordon C. Medcalf, Q.C.
 James H. Lowther

PRESENTATION:

BRIEF - CITY OF OTTAWA

CITY OF OTTAWAHOLLIS E. BECKETT, CHAIRMAN

ME BECKETT: Gentlemen, we have the delegation here from the City of Ottawa, Mr Medcalf and Mr Lowther (introduces Members of the Committee) Well we had your Mayor here on Wednesday, but we didnt touch this Brief at all-she said she'd leave this to you.

MR MEDCALF: Well this Brief is largely technical in nature, and except in one respect, I dont believe it deals with any matter of broad policy-they are mainly amendments that we believe would improve the Municipal and other Acts that are referred to. Would you like me to read the Brief?

MR BECKETT: Well it's not too long, Mr Medcalf, and we'll comment on it as you go along and we'll ask questions.

MR MEDCALF: Well there are certain sections of it that particularly relate to finance, and I think I'll ask Mr Lowther to speak particularly to them, so I'm going to skip them when I come to them. The Acts that are referred to in our Brief, which we prepared last September, part of the Municipal Act, the Assessment Act, the Ontario Municipal Board Act, the Planning Act, the Liquor License Act and the Lord's Day Act. This Brief, as I say, was filed last September; since then there's been a session of the Legislature, and in respect to at least one of the matters raised in this Brief, there has been amending legislation which has taken care of the point being raised. In addition to that, during the course of the year, we have come across one or two other things, and we have not included those. I have actually prepared a very short supplementary Brief, which if you will permit me, I would like to leave with you; it's not been filed and it deals with three Acts. But I'll mention those after I've gone through this main Brief. (reads main Brief)"The Municipal Act The principal submission.....to Section 243 already dealt with." (page 2, paral) The next three sections are financial and I will leave these to Mr Lowther. (reads) Section 242 (2) this subsection.....of any Act." Since I wrote this last September, I think also that it should be extended to cover a bylaw passed by a Board of Commissioners of Police.

MR BECKETT: Just there, do you think it would be sufficient to leave it in the Municipal Act and not have it in the Board of Police Commissioners

MR MEDCALF: I think the Sections empowering the Commissioners of Police to pass by-laws in relation to a large number of subjects, such as cigarette licenses and so on, are in the Municipal Act-I think the power can be properly left in the Municipal Act. But I do feel that there's no particular reason, I would suggest, for confining this protection to by-laws passed by municipal councils under the Municipal Act that they should be extended to by-laws passed by the Board of Commissioners of Police, and also to by-laws passed by municipal councils under any Act. Section 247 (reads, page 2, para 6) This Section provides.....could be omitted."

MR BECKETT: I might say right here, Mr Medcalf, that one of the first things we did was to compile these powers of municipal councils to put together those sections dealing with the power to license and those sections dealing with the power to regulate.

MR MORROW: We agree with this.

MR BECKETT: Here's a copy -this will give you an idea; we put them in alphabetical order just so we could collect and do exactly what you're suggesting.

MR MEDCALF: Well I think that's an excellent move.

MR BECKETT: So that the municipal authorities would be able to put their finger on them a lot faster...instead of having them scattered throughout the Act.

MR MEDCALF: It's a large Act and it will certainly help to have it in that form. (continues) Section 247 (7) (page 2, last para) "This subsection.....passed by them." Now this is a very sensible power. The Act provides the Chief Constable may suspend the license and report to the Police Commission, and the Commission can decide whether or not to quash this suspension or to confirm it. And this power doesn't exist in relation to by-laws passed by municipal council. I respectfully suggest that the same power should be granted to municipal councils to delegate this power to some municipal official. It could be the City Clerk or whoever the licensing official may happen

to be in relation to bylaws passed by the municipality.

MR MORROW: Would you care to comment on that, Mr Chairman? I know you find that a very dangerous principle.

MR BECKETT: Well it's dangerous from the standpoint of delegating power to an official. It's taking it out of the hands of the elected representatives, and we feel that the elected representatives should have it, at least I do, full power; and where they grant licenses or grant authority, it should come back to them and not be delegated.

MR MEDCALF: Well I'm suggesting it should come back to them, Sir, but I do suggest the power to suspend might be granted to an official, as it is in the case of bylaws passed the Board of Commissioners of Police. The protection there is that you've got to report within so many days to this body, whether it's the Police Commission; I would suggest the official to be empowered in the case of the municipal council would have to report to the municipal council; so the suspension is only good for ten days or two weeks or something like that. Municipal councils meet only every two weeks unless a special meeting is called which may be necessary in a certain to act quickly to suspend a license in a proper case. The municipal council can then deal with it at the next meeting.

MR SINGER: Well subsection 8 provides for that...

MR MEDCALF: Of 247? (yes) This is in relation to bylaws passed by the Board of Commissioners of Police.

MR SINGER: That's right.

MR MEDCALF: Now on page 3, Sections 298, 299, 303 and 304, and again 321 and 323 deal specially with matters which Mr Lowther will speak on shortly, and I will leave them for him, and also Paragraph 59 (h). Now at the bottom of page 4, Paragraph 69 of Section 377, (reads) "It is suggested.....City Hall or Town Hall!"

MR BECKETT: We found that out in connection with the Township of Scarborough.

MR MEDCALF: And yet you can build a stadium. I would suggest that this Section should be looked at and perhaps simplified. I can't see why the municipality should not be empowered to

build almost any kind of a building that's for municipal purposes.

MR BECKETT: That's one of the words used in the terms of reference as you know, "simplify".

MR MEDCALF: This Section, we suggest, needs simplifying. (continues) Section 379 (1) (reads, page 5, Para 2) "Paragraph 8 - This be included." There's no power to regulate the use of explosives.

MR MORROW: You refer to Hamilton, the Private Bill last year.

MR MEDCALF: We sought the same power a couple of years ago, but I cant see any good reason why it should not be contained in the Act- make it general. (continues) "Paragraphs 110 -125 - These paragraphs.... of noises." The Section of the "unicipal Act dealing with noises has a very limited scope; at least it has been interpreted to have a very limited scope, and I would suggest-this is not in my Brief- I would suggest in respect to noises, perhaps the same kind of power could be inserted in the Act that is contained in relation to a noxious phrase and so on; in other words there's a phrase in there that says: "which in the opinion of the council art" This would give some discretion to the council, and the council, if it decided that in its opinion, it was noxious, then the bylaw would be valid.

MR SINGER: Would you think, Mr Metcalf, that there is presently power to permit council to stop construction for 24 hours a day?

MR MEDCALF: I dont think there is.

MR SINGER: I dont think there is either. I know in my municipality that some of the bigger commercial operations were putting construction gangs on around the clock, much to the aggravation of the local residents-not only noise, but dust and so on. They will put up with it during the day, but in the evening and at night, when they want some rest and quiet, they cant get it. Our council has taken the view, and I think they are correct, they havent any power to stop it.

MR MEDCALF: That's my view. (continues) "Paragraphs 127 and 128 -The former.....using both terms." I cant see any difference between the two and I think they should be one or the

other.

MR BECKETT: Going back to your question about noise, Mr Medcalf, the City of Toronto five or six years ago obtained special legislation giving them power to pass bylaws; and Scarborough Township followed, widening out the definition of noise.

MR MEDCALF: I'm not familiar with that special legislation-I must look it up- how many years ago?

MR BECKETT: Around '56 or '57.

MR MEDCALF: Now we come to the Assessment Act, Section 1, reads, page 6, para 1) (Laughter)

MR BECKETT: The reason for the laughter, the Committee is going to attempt and several county assessors are going to attempt to, and now we're going to ask you to do the same thing- to define a farmer and a farm.

MR MEDCALF: I admit it is difficult.(laughter) But let me say this to you, and you've probably heard it a dozen times- That Section of the Act which authorizes the passing of a by-law to relieve from full municipal taxation, land used for farm purposes; we think this is subject to considerable abuse, because people who perhaps were once farmers and are now within an urban zone, have a field or several fields where they let the grass grow, and they say: Well I'm a farmer and I cut hay. It's very hard to defeat that. It seems to us wrong where the actual real farmer with the agricultural operation has ceased...as a matter of fact, the individual who owns the land doesn't take the crop off-he just.....

MR MORROW: Lets it out for live stock.

MR MEDCALF: Yes, or he lets somebody in to take the hay off. I understand also that the Committee has given considerable attention to Section 9. (reads, page 6, para 2) "The percentages set out..... and washrooms."

MR BECKETT: Before we go on with this, let's go back to the farm situation that we've had so many Briefs and delegations on. For instance, what would you think if a farm was put into the same category as golf clubs, and by agreement given a fixed assessment for a period of five years?

MR MEDCALF: Well I think it has some merit; at any rate we certainly have difficulty with the present Section, and we feel there's quite a number of people who are claiming to be farmers who are not genuinely farmers. I have no objection whatever to farmers-genuine farmers-getting this exemption from taxation; but I don't think that carrying on some sort of an operation under the guise of farming should qualify them for this exemption.

MR BECKETT: What would you think of extending that Section and giving them exemption to include schools? That's one of their principle arguments...

MR MEDCALF: They want to go further...

MR BECKETT: Well not exactly in that Section, but they claim that their dwelling and say five acres only should be subject to school tax.

MR MORROW: That's genuine farmers. Instead of paying on all his land, to pay on say five acres.

MR BECKETT: And then another suggestion is to pay 50% on the balance for school purposes.

MR MEDCALF: Well I personally think he should be assessed for that....but I haven't given it any thought.

MR BECKETT: What would Mr Lowther say on this from a financial standpoint? To give the farmers some further exemption?

MR LOWTHER: On what grounds does he seek this exemption? I mean he's getting a benefit to start with by virtue of the lower assessment on his land because it is being used for agricultural pursuits. It seems to me that if you recognize such a plea on behalf of the farmer, it might lead you into other bypaths where other specialized groups or interests could seek similar tax advantage.

MR BECKETT: One of his arguments is that he should get the same treatment in school taxation as the urban dweller in the small towns and villages.

MR MORROW: In the small towns and villages it applies more rather than a large corporation like Ottawa. You know the farmer is just outside the village or town, and they feel they should

just pay on their home and the land right around the home the same as the fellow in town does, but not on his 200 acres as well.

MR LOWTHER: Yes but the effect of this is narrowing your tax base, isn't it? And by the same token, just because the land or some part of it is not being utilized for dwelling purposes, doesn't seem to me to be satisfactory ground to excuse it from being taxable for whatever purposes you may tax. One possibility of extending this--the person who is living in a house who has no children can equally argue that he shouldn't pay school tax because he's not contributing to the burden of the cost of education.

MR EVANS: Isn't it just as broad as it is long; if you take it off land, you'll have to add it on to the residence.

MR LOWTHER: Well you're going to tax the residual balance of your tax base that much greater.

MR BECKETT: But their argument is chiefly on the basis of school taxation on the balance of their farm. In some particular school sections, if they're adjacent to a municipality that's developing, they're having to pay on the balance of their farm whereas the urban fellow only pays on his house and lot.

MR LOWTHER: I can appreciate the point being made, but I'm afraid I can't subscribe to it.

MR SINGER: That's a good frank answer.

MR MEDCALF: The next section which I read and was referred to in the Brief submitted by Her Worship, Mayor Whitton, has relation to parking areas in shopping centres. And the problem arises out of a decision in a Hamilton case and this has caused some consternation to municipalities throughout Ontario. And we feel strongly that something should be done about it, because it is a dangerous principle and could be extended to other things.

MR BECKETT: Would you, Mr Medcalf, then amend that subsection of the Assessment Act dealing with parking lots? Would you make it that all parking lots could be assessed, but charged to whom we don't know--it's a question of whether the owner should or should it be distributed amongst the tenants.

MR MEDCALF: Well that's the way we have actually applied it; we've distributed -in the case of shopping centres-we've distributed the assessment among the owners, but in relation to business tax, among the tenants or occupants of the shopping centres.

MR MORROW: We dont gather any business tax, do we from the west the parking area?

MR MEDCALF: Yes, we did; we dont any longer.

MR SINGER: You feel you should be able?

MR LOWTHER: It has a double barrelled effect; it precludes you from imposing a business assessment, and because there is no business assessment, therefore it is taxed at a residential rate rather than at the commercial rate, so you get hooked twice.

MR SINGER: Along the same line, do you think apartments should be taxed for business tax?

MR LOWTHLR: Personally, yes.

MR BECKETT: And who would pay it?

MR LOWTHER: The owner.

MR BECKETT: Then that would be a change in the Act as it reads now where the person who pays the taxes is the person is the person who occupies the premises and uses them. In an apartment house, the owner doesnt occupy the apartment or use it.

MR SINGER: Surely Mr Chairman, that's just a quibble; if you levy it on the owner of a store, he's going to pass it on his customers; if you levy it on the owner of the apartment house, he's going to pass it on to his tenants; isnt it just about as broad as it is long?

MR LOWTHER: Well certainly operating apartments these days is a business, and I think a concession is being granted to them which is unwarranted.

MR SINGER: Along the same lines, there has been some discussion here in Toronto as to whether or not there should be a continuing of this exemption for vacancy in apartments; have you any views on that?

MR MEDCALF: I think personally that if an apartment house is one-third or one-half empty, they should be able to get

some relief.

MR SINGER: But if you went away from your own home, you're not entitled to exemption.

MR MEDCALF: It must be three months now before he gets any relief.

MR SINGER: Yes, and he can get up to 55% relief, and the argument goes...a valid argument-you're subsidizing higher rent because there seems to be a surplus of apartments in Metropolitan Toronto presently. And with this vacancy allowance-this tax exemption, you're allowing people to maintain vacant apartments without reducing their rents, so the rents stay higher-somebody quoted a comparison of rents with Ottawa and I believe the rents in Ottawa are \$10 to \$15 less than in Toronto.

MR MEDCALF: That surprises me.

MR MORROW: I think, Mr Chairman, that three months is maybe a little short; if it were vacant for a year, there might be some basis for giving them some relief- or six months- but longer than at the present time.

MR SINGER: Well if you're talking about giving them an allowance at all on an empty building because it has some relation to business, and you don't tax them for business, the two things don't jibe.

MR EVANS: There's no business tax on a residence.

MR SINGER: No, but you don't get a vacancy allowance for a residence.

MR EVANS: But if you're just going to pass the business tax on to the people who are renting, they're going to be paying more rent.

MR SINGER: All taxes are passed on.

MR EVANS: Supposing you had two or three houses- you didn't live in them but you rented them.

MR SINGER: Rental allowances- you can't take advantage of this. They're subject to the same kind of taxes.

MR BECKETT: Getting back to the parking lots, have you suggested an amendment that might cover the situation?

MR MEDCALF: I've tried it; it is very difficult to do. After the Hamilton decision came out, I had a call from a solicitor and he sent me a draft, and I didnt care for his draft, so I had a crack at it. After I worked on it for two or three days, I realized it was a very difficult job.

MR BECKETT: Would a simple amendment of (m) Every person carrying on the business of a car park- take out the word "supervised"- I dont know why that word was in there anyway. Then that simplifies it and then I think you could bring the owners of that lot, because he's the one that is allowing the car to be parked, not the tenant.

MR MEDCALF: Yes but you only get 10% out of him.

MR BECKETT: That is only the mechanics-the rate of 10%; it could be 20% or 25%.

MR MEDCALF: That is certainly one solution- the angle it can be worked out. I think it is a very clever suggestion.

MR BECKETT: If you take out that word "supervised" then you can cover all parking lots, including medical centres and everything else.

MR MEDCALF: The next Section that has given us some difficulty is Section 64 of the Ontario Municipal Board Act. I havent got it here but the words used in that Section are extremely broad, and have been interpreted by the Municipal Board to mean that the municipality may not even call for tenders before getting approval of the Board. We feel that this is a very difficult situation, because it very much slows down doing this work and it is our suggestion that (reads, page 7) "This section....of the Ontario Municipal Board."

MR MORROW: There is an angle too that whenever ...the present way sort of sets the price and the contractor then submits a tender at the price the Municipal Board approves.

MR MEDCALF: I've heard that said too, yes, but to me that's not as important a reason for an amendment as the reason I've suggested. It seems to me, and I say this with great respect for the Municipal Board, that the municipality is prohibited.....

MR MORROW: But the price is out before tenders

are called, you see.

MR LOWTHER: Well that's public knowledge anyway; because every application to the Board of Control to call for tenders, they require the initiating department to give an estimate of the cost. And this becomes public knowledge right then and there before your tenders go out. I have some apprehension...I'm in sympathy with the point raised by Mr Medcalf, but I have some apprehension that unless there can be some further emphasis placed on the restrictive nature; because once you call for tenders, and you get the tenders back in, there's an inclination on the part of the council to approve of the awarding of the contract subject to receiving the approval of the OMB; And when that is done, or if that is done, then there is a tendency on the part of your engineers to get the job under way. And you have to maintain very rigid control over the actual initiating of the work under circumstances, so as to assure that nothing is actually done, that no award of the contract is actually made until you do have the approval of the OMB.

MR MORROW: There should be some way to do that now.

MR MEDCALF: All I'm asking is that when we call for tenders-Mr Lowther as Treasurer has apprehension about this- but nevertheless the official view of the City is that it should be empowered to do this. The next Act is the Planning Act, Section 10, (1) (b) (reads, page 8, para 1) "The obligationto do so!"

MR SINGER: Is that obligation an absolute one?

MR MEDCALF: Well, I personally don't think it is, but it has been so argued, and I would like to see an amendment making it clear that it isn't that. I've run up against the argument that it is absolute, and I've had to argue the other way before the Ontario Municipal Board, and we didn't get into any serious trouble in case it was, but I felt that the argument shouldn't be there; there should be some words like the words I've suggested here to clarify it. Section 18 (1)....

MR SINGER: What about the question about notice- where public meetings must be held. Shouldn't there be some obligation

on the part of the Planning Board that they should give notice to those people who are affected? And there's no obligation about notice at all.

MR MEDCALF: Well I believe there should be; they certainly do as a matter of practice...

MR SINGER: Yes I believe most boards do except on occasion, I suspect that some boards when they want to get something through, even though apparently it is a public meeting, don't tell anybody what's going to be discussed.

MR MEDCALF: I suspect that planning boards have many meetings which are not public-not public in the sense that they want the public to come and talk about what they're deciding.

MR BECKETT: They should follow the democratic principle that all meetings of any board or any commission are public.

MR MEDCALF: I agree that they're public in the sense that anybody may come, but there are many meetings held by the planning board where the views of the residents are not particularly being sought, and matters are being discussed within the board. I agree that anybody should be free to come and sit there and listen if he wants to, but I think the type of public meeting that is spoken of in this case is a meeting where perhaps an official plan is being prepared and the views of the residents are being sought. Now Section 18 (1) (reads, Page 8, para 2) "This section.....be authorized."

MR SINGER: How?

MR MEDCALF: This is a suggestion that has come from our planner and I put it forward for your consideration. I certainly agree with you, Sir, that it's a very difficult thing to do this, and it even may be impossible, but he is worried about what the committee of adjustment might do.

MR BECKETT: He hasn't suggested any words to qualify his suggestion?

MR MEDCALF: No, I asked for that but I haven't got it. Section 20 (2) We are interested in this section because we are in the process of amending our official plan and the amendment constitutes a plan of land use for the first time. The section makes it quite

clear that we cannot have a re-development area-re-development plan-unless you have an official plan- subsection 2 "The council of the municipality that has an official plan, may, with the approval of the Minister, by bylaw designate an area within the municipality as an area for re-development." Now we had a great deal of argument about this in Ottawa, because....we have and have had for some years an official plan of roads, and an official plan of parks, but until the present, we have not had an official plan of land use. I think it's perfectly obvious in reading the whole section, that what is meant here is an official plan of land use. And we definitely cant have a re-development area unless you have an official plan of land use.

MR BECKETT: Isnt that what an official plan is?

MR MEDCALF: No, not necessarily that; you can have an official plan of parks; you can have an official plan of roads....

MR BECKETT: But that is land use.

MR MEDCALF: Oh, in its very broad sense, but I suggest that you ought to have an official plan "of land use" inserted. You may have areas within the municipality that may be commercially developed, and areas which are to be residential, and so on, areas that are to be public parks; and I would suggest for your consideration that words "of land use" be inserted after the words "official plan" in subsection 2 of Section 20. Another point that is not referred to in my Brief but which has occurred to us since, arising out of the discussions we've had in Ottawa, is this while you may have an official plan for a part of a municipality, and this is a very rare bird, we understand from the department-there's only one or two in Ontario, but it could happen in the case of, say a municipal township which has a small urbanized area in one section of the township; and you have an official plan for the urbanized part of the township. But except in special circumstances, it is our submission that there should not be an official plan for land use for less than a whole municipality. The argument is that you cant have a re-development area if you are in a hurry to have redevelopment area, and great pressures have been placed so that you must get the official plan approved, so

the suggestion is made: well let's take this part of the municipality -take it out of the official plan of development- and let's make an official plan of land use for that part. We submit this is not a good thing and we're quite sure the department thinks it is not a good thing. It might perhaps be desirable to make an amendment to the Act to make it quite clear that this cannot be done.

MR BECKETT: Well take the Township of Scarborough- their official plan- which they developed by phases. That's similiar to what you're suggesting.

MR MEDCALF: That makes sense to me. The next paragraph, subsection(13) of Section 26, I would like to leave to your discretion-I think the matter is fully covered, and I dont think there is need for amendment. Now Section 25, (5) (a) (reads, page 8, para4) "The dedication.....multiple family uses." This is perhaps a novel suggestion but in support...

MR BECKETT: We've had it before.

MR MORROW: It's been requested by many municipalities.

MR MEDCALF: It certainly in some other jurisdictions in the United States....

MR BECKETT: Do you suggest a percentage in relation to the land occupied or....

MR MEDCALF: Well I've not given any thought to a precise percentage fixed, but it would perhaps be reasonable to scale it to the density of the land use. But I havent any specific suggestion to put forth except that general one.

MR SINGER: Should there be 5% where the land is being used for commercial and industrial uses, where you're not going to get any density of population?

MR MEDCALF: Well the present policy is or requires 5%. We in Ottawa have had some cases where exceptions have been made by agreement with the concurrence of the Minister. Frankly I dont understand how they got it approved, and I'm not critizing anybody, perhaps it's our fault because we thought of this solely for residential purposes, and it's only more recently that we have been taking

5% from commercial. In Section 25, (5) (a) (reads, page 8, para 6) "Reference.....this term." The attitude of some department officials appears to be that public purposes is defined solely as parks and recreation areas.

MR SINGER: That seems to be the attitude of the Department too.

MR LOWTHER: Has it ever been officially expressed?

MR SINGER: Well, I havent got it here, but I read it to the Committee just yesterday, one of these Bulletins put out by the Planning Section of the Department of Municipal Affairs, and they repeated it half a dozen times.

MR LOWTHER: That's right but could you find the author?

MR SINGER: Well he's anonymous and from an anonymous department.

MR BECKETT: Mr Medcalf, would you go as far as to include schools in public purposes?

MR MEDCALF: No, I wouldnt personally; I think public purposes, for example could cover a municipal building.

MR SINGER: A fire hall, library, municipally operated swimming pool. (yes)

MR BECKETT: But you discriminate against schools.

MR LOWTHER: Well probably the reason Mr Medcalf felt this way is that usually the schools acquired their sites in the new development and the need for additional property in relation to the existence of a school, probably doesnt exist. It's unlikely there will be a need for an additional school over and above that which is already or has already been created.

MR EVANS: Then you have district schools where probably three or four municipalities contribute towards the site for a school.

MR MEDCALF: Let me state that I have no objection to the subdivider being required to donate land for school purposes, but I simply was answering your question about this 5% and I would like to see public purposes defined. Now Section 28, this is the

Section where the Minister imposes conditions. (reads, page 8, para7)
 "It is submitted.....by the subdivider."

MR BECKETT: In any municipality, it is done by agreement.

MR MEDCALF: Yes, in the municipality, it is done by agreement, but...

MR SINGER: Would you not anticipate the Minister would police the conditions?

MR MEDCALF: No, no, I think the policing should be done by the municipality. The municipality reports to the Minister this has been the practice and the Minister should have some say.

MR SINGER: This whole imposition of conditions by the Minister is a fiction anyway; these are municipal conditions-there not the Minister's conditions.

MR BECKETT: Well they're subjected by them.

MR MEDCALF: And the Minister approves and makes them his conditions.

MR SINGER: Yes, that's a fact.

MR MEDCALF: Now the next Section, I would like to pass over quite quickly, Section 30, (7) (reads, page 8, para 8)
 "This section deals.....non-conforming land." Our Planner comes from Winnipeg, and he tells me that both the Manitoba and the Alberta legislation on this subject is much more explicit, and deals separately with non-conforming buildings and non-conforming uses, and he thinks and I adopt what he said that it might be a good idea to take a look at those Acts and see if they have anything useful to offer for our purposes.

MR BECKETT: Also British Columbia has something.

MR MORROW: Do they allow the municipality to amend these things without the Minister's consent?

MR BECKETT: In British Columbia, they operate on the basis of a directive.

MR MEDCALF: The next Act I would like to deal with is the Liquor License Act, Section 72. (reads, page 10) "This Section....at municipal elections."

MR SINGER: You want to get away from the enumeration? (yes)

MR MORROW: We brought this up with the Mayor the other day, Mr Medcalf, and we mentioned the fact that we should be able to use the last municipal voters' list which is really more up to date than the provincial list which is perhaps three or four years old.

MR BECKETT: And then have the people register.

MR MORROW: And then they brought up the point of registration.

MR SINGER: That was a suggestion from somebody else's Brief, registration rather than enumeration- Kingston, I think.

MR MORROW: And I mentioned the fact that if I did not have my old voters' list-the old last provincial voters' list, I don't know what we'd have done. They couldn't find one anywhere.

MR SINGER: I don't suppose you have any opinion on whether this whole procedure makes any sense or not.

MR MEDCALF: No.

MR LOWTHER: One suggestion is that the cost of the election be paid by the Liquor Control Board.

MR MORROW: Is that the official view of the City of Ottawa?

MR MEDCALF: It was the official view last year; it was expressed then.

MR LOWTHER: But I think this is particularly important where in our case we wanted to defer the plebiscite until it could be held at the time of the civic elections. The Liquor Board ruled no, and insisted that we have a separate plebiscite.

MR MORROW: Then when we got it around that you could vote at the municipal elections, then you turned around the other way and said that you wanted it to be held separately.

MR SINGER: There's fantastic confusion.

MR MEDCALF: It cost us \$30,000.

MR SINGER: Some of the other municipalities...the one in Etobicoke cost about \$50,000, and the one in North York will

about \$80,000 or \$90,000.

MR BECKETT: What is the objection at civic elections?

MR SINGER: Because there are different voters' lists and they have different ballots, and you have to have a double staff-it's very confusing.

MR BECKETT: Well I think that could be corrected-have one voters' list.

MR SINGER: Well they used to let the Liquor Control Board -the Liquor License Board determine these things-these local option things-strictly horse and buggy.

MR MEDCALF: The next is the Lord's Day (Ontario) Act, Section 3 (3) (reads, page 11) "This subsection.....vote on municipal questions." Now may I, Sir, refer to one or two additional matters that have come up since and we have brought some copies with us. Now I've already dealt with the amendments suggested in Section 242 earlier this morning, so I don't need to read that. I also dealt with Section 377, paragraph 69, so we'll go to the Local Improvement Act, Section 2, (1) (reads, page 2, para 1) "Paragraph (n) of this subsection....type of work."

MR BECKETT: While you're there Mr Medcalf, what would you think about combining Sections 8 and 12 in one Act?

MR MEDCALF: I agree-one section- I agree. As a matter of fact, we very very seldom use Section 12, and I can't see any utility performed. Section 67, (reads, page 2, para 2) "This Section which.....as a local improvement." Now the Planning Act, these provisions are all in relation to building by-laws, and we've come across them because we were doing a fresh job on our building by-law. (reads, Page 3, para 1) "Section 31 of the.....was based." This matter isn't 100% clear but the general tendency of the decisions on the subject is that there is no power in the municipality to revoke a permit without expressly setting it out in the Act. (continues) (b) "The council should be..... by-law." I was astounded to find this-there isn't any Section in the Act that I can find that empowers the building inspector to enter on the premises. We do it, but one of these days, somebody is going to quarrel with us.

MR SINGER: Any building?

MR MEDCALF: Buildings in the course of construction.

There are powers in the Health Act and powers in the Assessment Act and powers in our legislation relating to standards of buildings for fitness for human habitation, but there's nothing in the Section dealing with building by-laws, to empower an inspector to enter a building under construction or modification. (continues) "(c) Paragraph 57 of the subsection.....may be necessary." I can't see any reason why we have power to authorize people to enter on adjoining land for the purpose of making repairs, but none for the purposes of building a building. (continues) "(d) Paragraph 23.....in floor area."

MR MORROW: Why do you specify that particular amount- the number of storeys high and 5000 sq feet?

MR MEDCALF: We don't think it is so essential to have a qualified architect or qualified engineer supervising anything less than that.

MR SINGER: This gets into the whole problem of looking after arenas and places in which the public may gather. This is a very serious problem and it doesn't seem to have any answer.

MR MEDCALF: We think that power should be extended.

MR MORROW: But you have the power, for example, to go into skating rinks, if the snow is heavy in the winter time, when the roof might collapse, to close it down for a couple of weeks, have you not the power now? There have been quite a few disasters in skating rinks in the winter time.

MR MEDCALF: I don't think there's any power...

MR BECKETT: Do you know Mr Taylor?

MR SINGER: No, there is no such power and this is something that bothers me-I've talked about this in the Legislature several times.

MR BECKETT: I thought we had some amendment... (no)

MR SINGER: There is still a very serious public danger in the construction of these things and regular inspection of them but there doesn't seem to be anything in the statutes at all or any desire by the Government to put anything into the statutes.

MR MORROW: Isnt there some legislation where an inspector has the right to go into a building or on to a property for safety?

MR MEDCALF: If you're referring to structural safety, there is nothing in the building by-laws that gives this right.

MR SINGER: This is extremely important because in the smaller municipalities, very often there is no architect either to supervise the building, and anything can take place and it does take place.

MR MEDCALF: Mr Chairman, this concludes the suggestions I wish to place before you and Mr Lowther will deal with the recommendations having to do with finance.

MR BECKETT: Thank you Mr Medcalf. All right Mr Lowther, we'll hear from you now.

MR LOWTHER: If you will turn back to page 2 of the original Brief to Section 215, (1) (reads) This subsection.....by the treasurer." This is just for clarification.

MR MORROW: I think this is necessary, Mr Chairman.

MR LOWTHER: (continues, Section 217 (1) "This subsection.....on the treasurer. (continues) Section 222 "This Section requires..... of a full financial statement." We suggest that the phrasing is vague, is it the cash in the bank or the assets or what? We suggest a full financial statement to be given to council. I dont believe any treasurer would object.

MR BECKETT: They might even feel better.

MR LOWTHER: Yes, whether it is red or black. Now on page 3, we have Section 298, 299, 303 and 304. (reads) "The phrases "separate account".....so stated." We think it should be made clear if it means taking money and depositing it a separate bank account or a special bank account.

MR BECKETT: You're actually doing it.

MR LOWTHER: Yes, we're doing it. (continues) "In addition..... end of the calendar year." Our reason for that is quite obvious. If you have to set aside money or put it to limited use, then you're limited to the use of that money, and then the mun

pality may and often does have to borrow from the bank...

MR BECKETT: Borrow for what purpose?

MR LOWTHER: For whatever purpose you require to borrow- a temporary loan maybe, or other needs.

MR SINGER: I suspect some municipalities are doing this now.

MR LOWTHER: I suspect you're right.

MR MORROW: Mr Singer is very much in agreement with this. (chit chat here)

MR LOWTHER: It would save a great deal in interest.

MR BECKETT: This was placed as a safeguard and it might lead to difficulties.

MR LOWTHER: I think this would be utilized to advantage in the larger cities and towns where there are professional people handling the finances and could make effective use of these funds. It would probably not be used in the smaller municipalities where the staff are mostly non-professional, but we feel with appropriate safe-guards, it could be most effective. In all cases, it should be a requirement that any sums borrowed would be paid back before the end of the calendar year- all obligations discharged before the end of the year. At the end of the year naturally, you want to reflect the exact position of the municipality.

MR BECKETT: What happens if you cant repay.

MR LOWTHER: Under those circumstances, you would have to borrow from the bank to repay....

MR EVANS: You're just making the present practice legal.

MR BECKETT: It could end up in difficulty.

MR LOWTHER: Only if they got beyond themselves.

Now mind I'm not suggesting you should be able to use this money for any purposes other than what it was originally intended for, but simply to save borrowing from the bank while you have this money unused.

MR BECKETT: I appreciate your point but....

MR MORROW: You just use it until you other money-tax revenue- comes in. It would in the largest majority of cases be repaid long before the end of the year.

MR BECKETT: I question that there is enough safeguard....

MR SINGER: What real safeguard is there in the municipalities other than audits and reports. The largest percentage of representatives are honest, and when there is one elected who is not honest, well it has happened and eventually the people throw him out. you cant legislate morality.

MR EVANS: Every safeguard should be taken in handling public money.

MR SINGER: But you cant legislate for honest administration beyond certain bounds.

MR LOWTHER: Well I think with the auditing system that you have, there should be little room for difficulties of this kind that have been mentioned. We feel that the Act is too restrictive and we desire more flexibility in the matter of these funds. The next Section is 321, (3) (reads, page 3, para 3) "The.....eliminated." They put this amendment through a couple of years ago, and I discussed it with the Department, and I tried to make a point, and they put the signature of the Mayor and yet they did not require the Treasurer's- it was not on. Now the signatures can be mechanically reproduced- the treasurer's signature- on a bond. Now not only has the treasurer to sign it but the deputy treasurer also has to be on. (laughter) Now I think if this is going to cause any apprehension on the part of the purchaser well it might have to be considered. Now in the case of the signatures, you're signing with a very rigid pen, and there is no similarity whatsoever to my signature and I defy anybody to do so. But you're signing with one pen, a very rigid pen- at least you're going through the motions of signing and there are 18 pens signing these notes, and it's not like your signature at all. The next section is 323 (1) and (3) (reads, page 3, para 4) "Thesesubsections..... authorized by him." At the present time, the treasurer and the deputy-treasurer are the only ones who may sign bonds and it is quite a substantial burden.

MR MORROW: Even with the 18 pens going?

MR LOWTHER: Yes. The next one is Section 377,

paragraph 59 (h) (reads, page 3, para 6) "It is felt.....
 with the former." We had a case of where one of our employees transferred to the Separate School Board and it became subject to the mandatory provisions of the Act. His rate of contribution was 7%, I believe; and we made a contribution to the pension fund of the Separate School Board. They were under a Government annuity at 5%. And as a result of transferring...of us having to transfer of our fund the total amount of money the man had to his credit over the period of years he worked with us. We paid over almost sufficient money to almost prepay fully his whole annuity pension and thereby relieve the Separate School Board the necessity to make any contribution towards his pension.

MR MORROW: We'd better fix that.

MR BECKETT: Just while we're at that I had a chap the other day- a young chap from one of the municipalities- went down to Legal Aid about his pension. He had left the employment of the municipality and he was told he couldn't withdraw from his pension fund until retirement age. Is that so?

MR LOWTHER: There must be a provision in there that covers that- a non refundable clause in there.

MR BECKETT: And once those by-laws are passed, they cannot be amended. (chit chat re cases)

MR LOWTHER: (reads, page 4, para 2) "In a large number.....in the new pension fund."

MR MORROW: Would this paying be with or without interest.

MR LOWTHER: With interest. Well that's all that's been printed in the Brief. There are one or two other small points Mr Chairman, I'd like to mention, one is Section 329 of the Act- the Municipal Act, borrowing temporary loans. Temporary loans may be borrowed only on promissory notes; in other words, there's no authority in the municipality to do this temporary borrowing by means of an overdraft. (chit chat) It is kind of rough sometimes. This is in the Act- this provision which requires them to charge it back to the various school boards...and there is nothing in the Act to say what you should do in the case of recovery of any previous years

1871

1872

1873

taxes- supplementary taxes.

MR BECKETT: Are they not credited?

MR LOWTHER: The Act is completely silent on this point. We feel there is a moral responsibility to distribute these supplementary taxes and we do credit their shares to the various boards, but for us, there is nothing in the Act. The other point I would like to make is in relation to the Assessment Act- a more or less minor point- covering the supplementary assessment. The Act provides that each local board or authority shall be credited with its proper -its proportionate share of the total tax. It has been construed from the wording of the Act that each local board or authority for which a special levy can be made, and we have followed the practice of making a special rate or levy for library and hospitals- a mill rate. Now please dont misunderstand me, we dont have to levy a special rate; we do levy a special rate for local boards, therefore all supplementary taxes levied on their behalf should go to them. Now what we are doing really is giving them more money than they are asking for. We've already given them the money they've requisitioned, so we need this Section clarified. And on the same subject, the Act is somewhat vague it requires you to pay over the proportionate share of these supplementary taxes-the schools are entitled- and you pay that over to the school board before December 31 of the year they're collected, and they must take that into their budget for the next ensuing year. But the Act is completely silent on what the municipality should do with the supplementary taxes they get. Some say we should take them into general revenue-some say we should take them this year, the year when they get them; some, next year. What we have been doing is estimating what we might get, but the Act should be clarified and set out which way it should be handled. Thank you very much, Mr Chairman.

MR BECKETT: We certainly appreciate your Brief and your coming here today, and it's nice to see you both. Thank you very much.

MR MORROW: It's a very good Brief, one of our better ones. Thank you.

MR MEDCALF: Thank you, Mr Chairman and Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-EIGHTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 6
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
AUGUST 15th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

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APPEARANCE:

Counc. Kenneth A. Gariepy

PRESENTATION:

BRIEF - TOWNSHIP OF NORTH YORK

TOWNSHIP OF NORTH YORKHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well Mr Gariepy, we have your Brief; we've read it, now would you like to read it or comment on it-anyway you'd like to present it.

MR GARIEPY: Well Mr Chairman, I understand that some people appearing before the Committee have made very lengthy speeches; I certainly don't propose to do that...If they've read the Brief, I hope they will accept it with the feeling I had when I wrote it. I would like to point out to you, Sir, that it was written early one morning about 6 o'clock in order to meet a deadline set by Reeve Goodhead; like most things in politics, I had been warned it had to be in before August 30th of last year. I got up and wrote it in longhand that morning and had it typed and in by noon. A few mistakes have been corrected and a few mistakes have crept in, on page 8, as you would probably guess, municipal economy should be municipal autonomy, and the word "it" was left out on the third line from the bottom between "is" and "responsibility", which should read "whose responsibility it is". Basically it is intended to submit to the Committee three ideas for their consideration, the first is some extension to the conflict of interest Sections of the Municipal Act; second, the basic thought is possibly some legislation or direction in regard to campaign expenses; and the third one is some form or some method of getting the heads of municipalities, on whom, under the Act, all the responsibility rests, getting them more familiar with their jobs, their duties, their responsibilities-getting them familiar with them more quickly and surely, rather than having to wait until they have spent some time as members of council and heads of municipalities gaining the knowledge they require by experience. Experience is a good teacher, but in my opinion, it sometimes takes a little too long to acquire.

MR EVANS: Do you think, Mr Gariepy, they should have some training before they become members of council?

MR GARIEPY: I think if something were started

along these lines outlined in my Brief where they were given some training after they were elected, eventually we would see that in order to be elected, they would think it wise to have the training before they sought office. That's about all I have to say on the Brief. The ideas and thought are all contained in it. If there are any questions, I would be pleased to try to answer them.

MR BECKETT: Would your ideas on the extension, you say, to the conflict of interest, restrict the number of people that might run for council?

MR GARIEPY: No, Sir, they would not because the main provision of requiring a declaration of the interest would still be in the Act and it might mean that perhaps certain members of council would be declaring interest on every second issue, but you could still sit.

MR BECKETT: No, but would it act as a deterrent for prospective candidates?

MR GARIEPY: It could.

MR BECKETT: We had a deputation here a while ago where they wanted it broadened out and not so restrictive so that shareholders of companies could sit on the municipal councils.

MR GARIEPY: That's already provided in the Act, I believe, it's perfectly all right for me to sit as a member of council of North York while I hold, let's say Bell Telephone shares- that's an excellent company-many people hold shares in that. Sometimes we have occasions to sell easements to the Bell Telephone and things of that nature and I think the Act specifically sets out that such a minority shareholder, as I would be in the Bell Telephone Company isn't sufficient to have a declaration of interest in the transaction.

MR BECKETT: Supposing you were a director of the Bell Telephone Company?

MR GARIEPY: If I were a director, I wouldn't be sitting on council, I don't think and I would most certainly declare an interest in the matter or any matter that had anything to do with that company that came before my council.

MR COWLING: Well is that your main point, that you

declare interest, or do you feel that the thing should be tightened up more than it is now?

MR GARIEPY: Well in my Brief, I set out that one of the main points was there should be some penalty for failure to declare interest, which isn't in the Act at the present time.

MR COWLING: Such as what? What would you suggest?

MR GARIEPY: My Brief suggests, Sir, that there should be disqualification until the matter was properly dealt with by a competent body; and the competent body that occurred to me while I was writing the Brief was the Ontario Municipal Board.

MR COWLING: Do you think there is a possibility that we're going to make it so difficult that many good men won't run? That's the thing that sticks in my mind all the time; why many outstanding business men, the type that we want on municipal councils, and I think you'll agree with that, the kind of fellow that can be responsible for finances and making and passing the laws to the benefit of the most of the people. Now if we're going to continue to harp on this conflict of interest, I think personally that it's being overdone, and I speak personally again, I think many good men will just say, well I am not going to be bothered with that, to take the criticism that may arise from being an elected person, and that many good men who would have certain doubts, just wouldn't bother running. Now I don't mean to say that anybody should be so thinskinny that they couldn't take some criticism by being elected. That all goes with the political job, I realize that too. But at the same time I think there's many types of citizens who, if there was some doubt in their mind about the criticism they're going to take, they'd rather just not bother with it. And on the municipal councils, we miss out on many fine candidates.

MR GARIEPY: That's quite possible, Sir, but there's nothing in my Brief that would in any way prohibit a person from running just because he was the head, for example, of a large subdividing company within the township. The main part of the Brief is that he declare publicly at meetings that he has such an interest, and that he refrain from voting or taking any part in the discussion.

MR COWLING: How long have you been on the council?

MR GARIEPY: Four years, Sir.

MR BECKETT: Mr Gariepy, in the good old days of the '30s, when I was on Scarborough Council, this was never thought of or even mentioned; what brought this all about anyway, this conflict of interest? We had farmers sitting on Scarborough Council who were shareholders in a lot of companies, and there was no such thing as conflict of interests in those days. What brought about this change?

MR GARIEPY: Well in my opinion, personally...well I really cant say what brought the discussion about in so far as other members of the public are concerned or other political people are concerned, but in my own personal case, I think I'd have to go back to my training as a lawyer, where the trust part of the legal profession is stressed, both while attending school and later in practice. A lawyer, I would say, is much more aware of conflict of interest, and the possibility of conflict of interest, than perhaps people in other professions or other businesses. And my personal answer is that I think it all stemmed from the fact that I was very thoroughly impressed with the idea of trusts and trusteeships. I think the same situation exists in so far as a municipal council is concerned.

MR COWLING: Would you say that the lawyers are promoting this? (laughter)

MR GARIEPY: No.

MR THOMAS: Could it not be because of the irregularities that have gone on in the last four or five years that have come to light. I would say that has made us more conscious of the need for some safeguard.

MR GARIEPY: That's correct, Sir.

MR THOMAS: In the last four or five years different municipalities have got into difficulties.

MR COWLING: Well that's exactly my point, Tommie, I dont think you can legislate upon a thing like this; it's here. It's in a man's heart; it's in his mind when he goes into an elective job, that he could get away with whatever he wants to get away with, regardless of whether it is in the law or not.

MR BECKETT: No more than you can legislate the moral law.

MR THOMAS: It's to stop him getting away with it; that's what we're trying to do.

MR COWLING: Yes but you cant stop him through law, I dont think. It's something he decides in his own mind and we cant legislate as you have said, Holly, you cant legislate human nature; you cant legislate moral right and so on. And I think this comes under the heading of that.

MR BECKETT: Mr Gariepy, what does it create in the mind of the man on the street- this question of conflict of interest? Does it make him feel a lot of people are in politics for what they can make out of it?

MR GARIEPY: As you know, Mr Chairman, that is a remark you hear quite frequently, sometimes jocularly, sometimes seriously, but you do hear it.

MR EVANS: You get into politics to line your pockets.

MR GARIEPY: I think perhaps that people who know most of our politicians personally, know that such sayings arent true, and perhaps a lot of the talk is caused by people who dont know many politicians personally.

MR THOMAS: Amongst those people who do not know them, it seems to be pretty general- well there in there to make a killing and if they get away with it, well that's democracy and there's nothing you can do about it. We have to find a way to stop them making a killing, and I think legislation is necessary.

MR COWLING: Well you've been at it a long time, Tommie and you havent made a killing yet.

MR THOMAS: No, but I feel that ...(alltalking)

MR GARIEPY: I think, Mr Chairman, that feeling we just finished speaking about is more or less nurtured in the mind of the public by the press in certain cases.

MR BECKETT: Well if the majority of the people had a little bit of experience sitting on a municipal council, would that

help to change their opinion?

MR GARIEPY: Oh, I think very definitely, Sir.

MR EVANS: Mr Chairman, in the Brief, Mr Gariepy suggests that to be a member of council, it's very important to have some type of training, to take some kind of course. I think this may be good possibly in large municipalities like North York; but I can't see how it is possible in our 976 municipalities, most of them small, they have a tough time getting anybody going on council now, let alone somebody with the time to take a course to learn to handle the municipality's affairs.

MR BECKETT: Apart from conflict of interest?

MR COWLING: How do you propose that they would take this course, Councillor? Would you have time to take a course?

MR GARIEPY: Mr Chairman, I think I might answer the question by making a general statement. I can't recall ever seeing a politician, if the opportunity were offered to him, fail to go on a convention trip somewhere, sometime during his tenure of office. And the same thing would apply to this. They take time off to attend conventions.....

MR COWLING: Are you talking about a 2-day course or a 3-day course?

MR GARIEPY: That would be up to the government, this Committee and it possibly could be worked out through the Department of Education; I don't propose to tell you people how to set up your courses of education.

MR COWLING: Well any local councillor that I've ever talked to, or alderman or anybody else in municipal politics, they're just so busy doing a good job on behalf of the people who elected them that they just couldn't find time to take a course. If local would-be councillors are to be tied down to a conflict of interest and have them take a course, I'd just hesitate to think of the type of people we'd have running for municipal office.

MR GARIEPY: Mr Chairman, the initial stage set out in that submission, was aimed at the heads of the municipalities, not the alderman and the council men; I think if it were put into effect,

the people taking it would appreciate it, the public would come to appreciate it, because it would be reflected in the work the heads of the municipalities did, and the knowledge they showed while conducting the municipalities' affairs, and eventually it could become popular enough that council members and aldermen, where they could afford the time, would voluntarily take the course....

MR COWLING: A course in....

MR GARIEPY:knowledge, but the heads of the municipalities at the present time, upon whom the whole responsibility of operating a municipality, rests...

MR COWLING: Most of the fellows who become the heads of a municipal council have years of practical experience which is much more valuable than what they could learn on a course of three or four days.

MR THOMAS: Quite a number of them rely very much on the staff, and I think it a bit like Disraeli said: Give me the Civil Service and I don't care who's got the government. Now isn't that true of the municipalities too?

MR BECKETT: I was just going to say does Mr Gariepy feel that the elected members should legislate and administrate also? Are not the appointed officials there who now can take a course?

MR GARIEPY: The Municipal Act, Sir, as it is now written, gives the administering responsibility amongst many other responsibilities, to the head of the municipality. If anything goes wrong in the township, or in any municipality, it's not the civil servant, whose head rolls, it's the head of the municipality in many cases. And again, in many cases, the head of the municipality says, well that may be true, but I didn't know about it.

MR BECKETT: Mr Gariepy, in the Brief, on page 2, you say:- "It is my considered opinion, after my short experience in the field of municipal politics, that such a comparison of ethics is meaningless." and again, "When municipal business is conducted on the level to which the everyday business world has sunk in recent years, it can only be to the detriment of the electors in any municipality."

MR COWLING: How far have we sunk?

MR BECKETT: Well I was just wondering what Mr Gariepy meant by that...by those remarks?

MR GARIEPY: Well, there are books on the subject, Mr Chairman, but I think we can perhaps start out by talking about the large expense accounts that are provided by many industries for entertainment for prospective customers, rebates, kick backs, combines, all sorts of things which, whether we admit it or not, are in my opinion getting to be, and I hope in the opinion of others, getting to be common practice in the business world. There's no place, in my opinion again, for such practices to be carried out in municipal politics.

MR EVANS: Mr Chairman, to you Mr Gariepy, do you believe then that Councillors, Reeves, Mayors should be paid better? If they were say, in a salary, would they handle the business of a municipality better than they do in the fact of, that in the small municipality, most of them feel they have an obligation to their communities, for which they receive, probably a very small remuneration. Do you think they should be paid better?

MR GARIEPY: In certain instances, yes; in others, no. It depends on the municipality, but I don't think remuneration is that important. There's one part of the Township of North York Brief though, that I had a chance to look at, I don't know whether it's ever come before the Committee yet, but that was in it, that Public School Trustees should be paid; and I most certainly agree with that; they should be paid something.

MR BECKETT: Mr Gariepy, I don't think we've received that Brief. Do you agree in payment of remuneration to School Trustees and Councillors would result in getting better men?

MR GARIEPY: Not necessarily. It depends upon the man.

MR BECKETT: Well then you go right back then to the question that Mr Cowling stated, it's the man himself, regardless of conflict of interest.

MR GARIEPY: But I do believe that in certain cases again, you would widen the field to possible candidates if the pay were

a little better. But again it depends upon the municipality; it's something that I don't think you could possibly legislate for. I don't think it would be a good idea to give the municipality...I was going to say carte blanche, so far as salaries are concerned.

MR COWLING: Mr Chairman, I'm afraid I couldn't agree with the Councillor on his interpretation of our present day business world; I think, generally speaking, that business is pretty good, and the people who operate it are too, and to go along with the idea that the business people have sunk certainly doesn't appeal to me. Now there are no doubt these little extras that creep into business, and they have been in business since business began-there's nothing new about it. And the honest and upright business man he does well, and the other one usually falls by the wayside. But you wouldn't expect legislation to control that, would you?

MR GARIEPY: The period while we're waiting for the unethical man to fall by the wayside, all the damage is done. And the same thing applies to municipal politics. However, I agree they eventually do fall by the wayside, in most cases.

MR COWLING: I think you've had a very sad experience in your four years on the council-you must have had to have this outlook.

MR GARIEPY: No. (chit chat re election)

MR BECKETT: Mr Gariepy, on page 5 of your Brief, on line 17, you say: "If the foregoing recommendations were enacted as legislation governing the conduct of municipal officials, it would narrow the field for municipal corruption and it would ultimately lead to its virtual elimination." Do you feel that? That would result?

MR GARIEPY: Yes, it would tend to because we must remember that any instances where the words "municipal corruption" really apply, you will remember that in most cases, it always involved, not just one person, but eventually you'd find a whole web of people involved in it. If it were eliminated at the source, perhaps it wouldn't form.

MR BECKETT: But you can have corruption with one person alone, can't you?

MR GARIEPY: Oh you certainly can; but in most cases

it involves a group of people.

MR THOMAS: Mr Chairman, it's my opinion that not only should such a person refrain from voting but they should absent themselves from the council chamber, because their very presence sometimes will influence some members voting for a certain motion being discussed.

MR BELISLE: What would you do with a community council chamber that has only one room; could you have the councillor standing outside in the cold?

MR THOMAS: He should be out of there anyway.

MR GARIEPY: Perhaps you would get into the situation where the member who has the interest sits aside anyway and doesn't take any part in the discussion or vote on the matter, and one of his solid council members votes against it, he might turn around and vote against the new sewer or park or street in that fellow's ward to get even with him, or something.

MR THOMAS: I don't think that would happen.

MR GARIEPY: I believe that the Provincial Government made a step forward last year in extending and adding to this particular Section, but I think they could go a little further....

MR SINGER: Surely you don't think that what's in there now is any good?

MR MORROW: He said that he did.

MR GARIEPY: Well it's more than was in there before.

MR SINGER: But does it make sense to you to disqualify certain people for some type of interest, an officer or an agent of a limited company—he can't even sit on council if the company has dealings with the municipality. And there's no penalty at all for interests other than contract interests.

MR GARIEPY: I've mentioned the penalty, but I think you must be referring to another Section. This was written at a time when I did not have the actual amendments from the Queen's Printer in my hand, last year's amendments.

MR SINGER: Well last year's amendments are really a statement of principle. (chit chat re date of amendments etc)

MR BECKETT: I was going to ask dealing with that matter of expenses, you say a limit, Mr Gariepy; would that apply to all municipalities alike, cities and towns?

MR GARIEPY: Yes, the limit should be different for different municipalities; it should depend upon the size of the electorate and the importance of the office.

MR BECKETT: Well then you would guage it then on the population of the municipality?

MR GARIEPY: That could be a consideration.

MR EVANS: Would you have the municipality pay for the elections- the expenses of all members running?

MR GARIEPY: Certainly not.

MR EVANS: Would you put a limit then to each candidate?

MR GARIEPY: To each office; a limit to the amount that each candidate could spend for seeking election to a particular office.

MR SINGER: You dont think there's merit in Mr Evans' suggestion that government, whether municipal, provincial or federal, should contribute or take on a certain share of the expenses? Dont you feel that if the present trend continues, elections are becoming more and more expensive, you're setting the dollar value on the candidate rather than a mental value, ability value?

MR GARIEPY: I do agree with your last thought but I dont agree that the answer to it is that the municipality should put up the money to support candidate's elections. I can go further in that- Mr Singer probably knows it's generally said that to run for Reeve in North York Township costs \$25,000 or \$20,000-that's what I hear.

MR BECKETT: Well could you go to the other extreme, Mr Gariepy and have no expenses allowed.

MR GARIEPY: I was going to go one step further, if a municipality is going to pay all the expenses and a limit was set for I'll take North York Township, and the Reeveship was going to be a limit of say, \$10,000 per candidate, the municipality could have a pretty heavy bill after every election if 25 candidates ran, and why wouldnt

they run if somebody else is going to pay...the municipality is paying all their expenses.

MR COWLING: Well just on this point, Mr Chairman, it will be very interesting to see how the Private Members proposed Bill in the Federal House, in connection with the payment of expenses of Federal candidates by government, will work out. But frankly, I dont think it will get to first base, for two reasons, one of course it's an Opposition Members Bill, and the other one is I dont think the candidates for office want it.

MR GARIEPY: I was just going to say, Mr Chairman, that is a question, but the same situation wouldnt apply to the Federal Government or the Provincial Government because you have the party system whereas at the most you would have five candidates for each office, so you could put a limit on it; in municipal politics, where no one runs under a party, and you could have as many as 30 or 40 candidates without having 30 or 40 parties. It would be a little more workable if it does go through in the Federal field or the Provincial field.

MR SINGER: There are all kinds of administrative safeguards you could put in there based on good common sense; one of the suggestions they're discussing is that basic expenses can be assumed by the government after the election, provided the candidate polls a certain percentage of the vote. You just dont hand out cheques to anybody who puts their name on the ballot.

MR BECKETT: And over and above that, they can spend what they want.

MR SINGER: No, they're limiting that too.

MR BELISLE: Mr Chairman, dont you think the basic step would be to shorten the length of the campaign.

MR COWLING: Provincially, Rheal?

MR BELISLE: Provincially, federally, municipally.

MR GARIEPY: Mr Chairman, in theory anyway, the suggestion is two weeks.

MR COWLING: You couldnt have it much shorter than

that.

MR SINGER: If someone wants to run for municipal office, he can start campaigning the day after the previous election is over; you cant legislate the length of the campaign.

MR COWLING: Certainly, and I dont think we can legislate on funds because he will allign his campaign to his personal requirements and what he can spend. I dont think you can legislate on what a man can spend on his campaign. If I'm free as a candidate for municipal office, and I'm not associated with a party; as we have it today, I'm running as an individual, I cant see what useful purpose is served by telling me how much I can spend or how much I cant spend.

MR BECKETT: I agree.

MR COWLING: I well remember the first time I ran for office, which was in 1948, I think my expenses were \$260 which I thought was a pretty good chunk of money, and I wouldnt have wanted anyone to say:-Well he can only spend \$100, or he can spend \$10,000; I do what I think is best to get elected.

MR BECKETT: Do you think, Mr Gariepy, in a democratic country, dont you think that anybody should be able to spend what they want; money doesnt guarantee your election. I dont think it's anybody's business. That doesnt guarantee his election.

MR GARIEPY: Well I think the public has the right to know where the money's coming from if it isnt coming from the candidate personally.

MR COWLING: Well who's to say whether it is or it isnt?

MR BECKETT: That's a different angle. I'm just saying if a man wants to spend \$10,000 or \$20,000 to get elected, that's his business. It's certainly no guarantee that he's going to get elected.

MR GARIEPY: Well it seems to me that the expenses are getting higher and higher...

MR COWLING: Well what's wrong with that?

MR GARIEPY: What's wrong with it, Sir? (yes) It has a tendency that you narrow the field to few possible candidates.

MR SINGER: I'm in agreement.

MR COWLING: It doesnt matter what you spend to get elected; if that were the case, all the millionaires who wanted to be politicians could get elected.

MR SINGER: That doesnt necessarily follow.

MR COWLING: But it doesnt guarantee that you'll be elected.

MR THOMAS: But the odds are in their favour.

MR BECKETT: Why do you say that? Not if the proper people are running.

MR SINGER: No, I believe, not only municipally, but provincially and federally, that this whole matter will have to have a very serious examination. I have a real concern in my mind about putting the dollar value, and this is happening, the dollar value on the people that are getting elected. A lot of people who perhaps could and would stand for public office, just cant afford the risk or the expense of keeping up or attempting to keep up with some of their more affluent opponents.

MR BECKETT: They havent got to do it.

MR SINGER: In a very large municipality, where there's very little personal contact, then they're running with a very severe handicap, and I dont think anyone who has run in this kind of a campaign will honestly disagree with me.

MR GARIEPY: Mr Chairman, if we had the perfect elector, which unfortunately we do not have, there would be no problem. Everyone doesnt know all the candidates; they cant be expected to, and everyone, unfortunately, doesnt follow the affairs of their own municipality. If they did, it wouldnt be a problem.

MR SINGLER: Just reduce it to an election in Metropolitan Toronto. The average over many years has been about a third of the voters getting out to vote- very little more than 30% bother to go out and exercise their municipal franchise.

MR BECKETT: In spite of all that money that you say is spent.

MR SINGER: The essence of the thing is this, where there is a lot of money spent, and where there is impressive literature

sent out and where there is a great deal of publicity, the candidate getting a very small proportion of the actual electorate can get elected because he has the facilities behind to put this sort of publicity across; and this happens and you know it happens.

MR BECKETT: But money doesn't bring the voters out.

MR GARIEPY: It helps, Mr Chairman.

MR SINGLER: In a municipal election, where only 30% of the people are voting, some candidates don't want the voters out, they just want a little section of the voters out.

MR MORROW: Issues bring out the vote.

MR BECKETT: Then we've sunk to a pretty low level then as far as the electors are concerned.

MR COWLING: I agree with you, Mr Chairman, the amount of money spent doesn't indicate who's going to get elected.

MR BECKETT: No, and it doesn't bring the voters out.

MR SINGER: It's a very substantial help.

MR BECKETT: Surely we haven't sunk to that depth in this country that we have to go out and buy the votes by spending a lot of money.

MR GARIEPY: Well Mr Chairman, I never said nor did did my Brief say that you can buy yourself a seat on council, and I still say that, you can't. But I do say that the field of candidates could be widened if reasonable limits were set; and I also say that the electorate should have the right to know where some of the money is coming from, in certain cases.

MR THOMAS: Here, here.

MR BELISLE: Do you feel about this legislation that it would be answered truthfully?

MR GARIEPY: Well, as truthfully as a candidate's affidavit would be, and I hope it would be truthful.

MR BELISLE: Well the present day there's an affidavit being signed by both the Provincial and Federal candidates, would you agree that they were all...that this is all that was spent?

MR GARIEPY: That's an unfair question (all talking)

MR MORROW: They dont ask for full expenses; that's a limited list-that's all they ask for.

MR SINGER: Well if it lies within the intelligence of government to extract honest income tax returns, or reasonably honest ones, surely it should lie within the same intelligence to extract honest election returns.

MR COWLING: They do.

MR BECKETT: I think they all are.

MR THOMAS: Did you say that with your tongue in cheek? (laughter)

MR GARIEPY: Mr Chairman, on this business of responsibility of heads of municipalities, because the other matters have been more or less touched on by persons appearing before this Committee, and by other persons elsewhere, including the campaign expenses, it's all been pointed out already, the other part of the Brief, the third part having to do with the responsibility that is placed on the head of the municipality, I think is one that I would stress consideration by the Committee, because I dont believe that anyone else has ever really thought of it. And it is one that I believe recommends itself for consideration by the Committee. I think it could be done and I think the only alternative to it would be to have the responsibilities shared by other members of council.

MR BECKETT: Or delegated?

MR GARIEPY: Delegated legally by proper legislation.

As it stands now, everything is on the head of the municipality, all the responsibility; and if the head of the municipality is going to keep all of the responsibility, then I firmly believe he should be given some training in order to be capable of assuming the responsibility; and I think it could be done quite easily. We have the university centres spread throughout Ontario, and municipal people seem to go on enough conventions, and I dont see why they couldnt go on a course to help them in the duties that the Act puts on their shoulders directly, and on noone elses.

MR COWLING: Mr Chairman, I think it would be very interesting to just have a poll of the heads of the 13 municipal gov-

ernments in Metropolitan Toronto, and see how they agree on this particular suggestion; and it would be my thought that by far the majority would disagree with it, because they just dont have the time. And I think most of the 13 heads have all had long and practical experience in municipal affairs.

MR GARIEPY: I have no complaint at the present time about the qualifications of any of the heads of the municipalities in the Metropolitan Government; you're quite right. They're almost experienced professionals-they have to be. The work they have to do, they have to carry out two jobs, Metro and their own municipality. They have to be there and they have to know what they're doing. Fortunately, as far as Metro is concerned, they do. They're excellent people.

MR SINGER: What are you going to teach on this course?

MR BECKETT: Ethics.

MR SINGER: Law? You're not going to turn some real estate or an insurance man into a lawyer, are you? In two weeks?

MR COWLING: I hope not. (laughter)

MR GARIEPY: A course of studies could be set up by the Department of Municipal Affairs; they're the people that should be in the know...should know the failings that exist in the province so far as training for the job; and they could set up a course. I dont propose to do that-I'm not in the educational field.

MR BECKETT: Would you have to start with a municipal code, and teach each one of the applicants for council the code that has been set up by somebody-is that what you have in mind?

MR GARIEPY: No, but one of the courses most certainly could be in municipal finance, a general course on the Municipal Act to show them what their responsibilities are and how to carry out their respective duties.

MR EVANS: Mr Chairman to Mr Gariepy, would you have taken such a course, or would you have been a better alderman if you had taken such a course before you entered the municipal field? First would you have taken such a course?

MR GARIEPY: Yes, I would have taken it-not before

I went into politics, I don't think. It would have helped, yes.

MR COWLING: It's more practical to take it after you're elected.

MR SINGER: Would you have examinations in this course? (yes) People who fail can't take office?

MR GARIEPY: People who fail would have to repeat the course until they passed.

MR SINGER: What happens to the municipality in the meantime?

MR COWLING: Oh just get them to pass the exam.

MR GARIEPY: No, no. It would start out with the heads of the municipality, and I would expect that other members of council would take advantage of it.

MR SINGER: Wouldn't the people have the democratic freedom to elect a dope to office if the people wanted to do this?

MR COWLING: They already do. (laughter)

MR BECKETT: And Mr Singer, let him spend money or not.

MR GARIEPY: The responsibility is going to be placed upon the head of the municipality, Mr Chairman, and if this is so, I think he should be told in no uncertain terms just what those responsibilities are. They should be explained to him.

MR BELISLE: Is Mr Gariepy a lawyer? (yes) With your knowledge, do you feel if you had that course you would be a better municipal ...have a better knowledge of municipal law?

MR GARIEPY: Most certainly.

MR SINGER: In my experience of quite a few years in public office, I have found that there are many people without a too substantial formal education make very good members of council and of legislatures and of the House of Commons. And if you're going to try to take some people without any substantial background in formal education, and give them this type of a course, aren't you going to put a real handicap on these people; and perhaps frightening them out of public office, where many of them are rendering a very substantial service.

MR BECKETT: When I had the privilege of being a member of York County Council, which had four members, I was the only lawyer in it. And I was the worst one.

MR COWLING: The others were good solid farmers, and you upset the whole works?

MR BECKETT: Yes. (laughter)

MR GARIEPY: In matters of policy, you certainly dont require any formal education; and also I still maintain that experience is by far the best teacher, but it takes a little long in a municipality like York Township to gain the experience. It wouldnt apply so much in the smaller municipalities, but I still feel that the responsibility is on the head of the municipality and I think you should do something to help make his responsibility clearer to him, so he'll know what they are.

MR EVANS: You mentioned in your Brief that the municipality should pay the expenses:- "The registration and personal expenses of the candidates should be borne by the individual municipalities.

MR BECKETT: That might eliminate the matter of putting a limitation on how much people can spend for election purposes.

MR GARIEPY: No, this in its initial stages would take the form of a course set out to be taken after the municipal elections, not before. But if it was a good thing, then certain other people as I said in my Brief, would want to take it.

MR THOMAS: Well, one of the obstacles, Mr Chairman, would be that constant change is taking place in municipal life, like in the Council. Now last week I was in South Wales and I was talking to the Mayor of the city there, and he had been a member of council for 25 years, and 5 had been there for 20 years; and yet in a matter of four or five years, our councillors progress to Reeve or Mayor and then they are on their way out. There is constant change going on- so different from what it is over there and I wonder what the reason is.

MR MORROW: It's more of a profession or business over there.

MR THOMAS: That might be. But I would think that

that perhaps some might be reluctant to take a course like that because they're only there for three, four or five years, and then they're on their way out.

MR BELISLE: Some for only one year.

MR THOMAS: I think it is true that some of the heads of council do need some direction and instruction from the Department; they seem to be very ignorant some of them on what is required of them and they depend too much on the administrative staff.

MR GARIEPY: And then when something goes wrong, Mr Chairman, they say: I didnt know anything about that.

MR COWLING: Could you name anybody who has said that recently? Where something has happened and the head of the municipality has said, I dont know, so it's all my fault.

MR SINGER: So it's not my fault. However this really isnt an excuse that holds water; if a person aspires to this type of office, he aspires to accepting this type of responsibility, and if he intends to do his job properly, he should be prepared to accept the responsibility and to do the job.

MR COWLING: Mr Chairman, I'd hesitate to think that the head of the municipality that I helped to elect- my municipality, wherever it might be, after he is elected and became the head, would be going off to take a course on things he should know after I helped to put him there. I think that would be a silly thing to do.

MR GARIEPY: Mr Chairman, for myself, I can say I think I learn something new almost every day, and.....

MR COWLING: Yes, you learn it there, but you dont learn it on the course.

MR GARIEPY: And a lot of the things that I had to learn in my first year, I think could have been taught to me in a course, but I'm not the head of a municipality.

MR THOMAS: But you, with your academic background, would have a better chance to pick these things up than the average joe would.

MR GARIEPY: Oh I dont think so. I think anyone can gain by experience-you dont have to have....

MR SINGER: How is Nath York Township that you're familiar with, there's hasn't been a Reeve except maybe the first one who didn't work his way through the council and he got the experience before he is the Reeve. Surely this is the training ground.

MR MORROW: Do you not think, Mr Chairman, that it is more important to establish training courses for the municipal officials, the municipal clerks, assessing officers and so on; and then if you have a good municipal civil service, then the elected officials will not have to have....

MR THOMAS:can do without them.

MR COWLING: They've still got to run the show, Don.

MR MORROW: Yes, but they can get their education from them. If you have a good municipal clerk, he'll have a good municipal council.

MR GARIEPY: Mr Chairman, there are, I believe, courses which can be taken, and this is certainly subject to correction, because I've never delved into it as much as I would have liked to, but there are courses set up by Associations of Municipal Clerks, Associations of Municipal Treasurers, and a good many of them avail themselves of the opportunity of taking these courses.

MR COWLING: But I think you're putting the cart before the horse; the time for education is when you go on the council; but not after you have been on and have become the head of the municipality. I think you need the education if I was in favour of this, and I don't think I am, you need it as you go along to become the head, not start at the head to learn something about municipal government. If you haven't learned something by the time you get there, you should not be there.

MR GARIEPY: I can't help it-I still say and feel that experience is a wonderful teacher, but you still can't pick up everything by experience unless you're directly involved in it. And a lot of people that get into trouble is because the matter that led them into trouble is because they hadn't been experienced by the person who got into it.

MR EVANS: Do you believe there would be less

corruption in councillors and reeves if there was such a course? In your Brief you say in effect that they'd probably be better administrators and there'd be less corruption.

MR GARIEPY: I dont believe it has any bearing on corruption at all. I said that... "Corruption as such would not be eliminated, but maladministration, negligence, carelessness and violation of duty, previously excused by ignorance of the law and practice, would then be inexcusable." I think those last four sentences will answer your question, Mr Chairman. (chit chat re ability to read)

MR BECKETT: Gentlemen, are there any other questions? We thank you very much for coming here....

MR THOMAS: One question, Mr Chairman, do you think the conflict of interest regulations should be extended to the Boards of Education and Public Utilities?

MR GARIEPY: Are they not now?

MR BECKETT: I dont think we mentioned that.

MR GARIEPY: Council or local boards, Sir, appears in the existing legislation, and I think it covers the Board of Education.

MR BECKETT: We appreciate very much your coming along and we'll take this into consideration. Thank you Mr Gariepy.

MR GARIEPY: Thank you Mr Chairman and Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-EIGHTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 6
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
AUGUST 15, 1962
AFTERNOON SESSION

HOLLIS E BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

A. Klarer
D.E. Redgrave

PRESENTATION:

BRIEF - OAKVILLE-TRAFALGAR BUSINESS PROTECTIVE BUREAU INC

OAKVILLE - TRAFALGAR BUSINESS PROTECTIVE BUREAU INCHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, we're all here but one, and we have Mr Klarer with us this afternoon from the Oakville-Trafalgar Protective Bureau. We have read your Brief, Mr Klarer, but you may present it any way you like, either read it or comment on it- I'll leave it to you to decide.

MR KLARER: Thank you, Mr Chairman, I could read it very quickly and if there are any questions, I would be very pleased to answer them to the best of my ability. (reads Brief dated August 10th, 1961) "The Oakville-Trafalgar Business Protective Bureau was incorporated..... type of guarantee in detail." (page 2, para 2)

MR BECKETT: Just there, is this private property-driveways on private property?

MR KLARER: Yes, Sir, these are so-called contractors who come to a street and make a deal to lay an asphalt driveway-this is solicited on a door to door basis; and they lay the driveway and get their money and when it doesn't stand up, they are nowhere to be found. They undercut legitimate contractors who are in business in the area, paying taxes, and guaranteeing their work, and when their driveways crack or raise up, complaints come in, but the contractors are not to be found. Doubtless they're in another municipality operating under another name or something like that.

MR EVANS: I have heard complaints on this type of operation-what materials were used?

MR KLARER: A variety of materials, but they are not building these driveways according to the standards accepted in the legitimate trade. We know in some cases, they have scratched the surface a little and laid the asphalt right on a clay or sand base, without any proper material for drainage; and of course it cracks, or it bulges and it....

MR MORROW: I have heard complaints about driveways and I was told it was because most of them use a cold mix, which

is not as durable, according to my information, as a hot mix. But it is easier and considerably cheaper to use the cold mix.

MR EVANS: Are these asphalt driveways for private homes? (yes) I understand that this is not the type of material to be used for private driveways. Asphalt needs traffic-it has to be kept active, and there just isn't enough traffic on a driveway of a private home under any circumstances, even if they did a good job of laying it, which I understand they don't; they put it on top of anything, and as long as it stands up until they have gone to another area, that's all they care about.

MR KLARER: The complaints are that they are not using proper materials, nor the accepted standards, and they go to owners of new homes and for X number of dollars, which is always cheaper than the reliable contractor who has established his business and will stand behind his work. One outfit of this type started in Kingston, and they were doing quite well for themselves; but the consumer is taking a beating, and when they complained to the municipal officials, they find that they can't license them, which would give some control-not too much, but some. And of course they can't be found when the complaints come in.

MR EVANS: Is there any type of asphalt driveway that will stand up?

MR KLARER: Oh yes, but only if it is laid properly with the materials suitable for the particular job.

MR THOMAS: I understand the most important thing is the bed, the proper depth of gravel for drainage and as a cushion.

MR GORDON: The gravel has to be the proper depth and the topping the proper thickness as well. The Flintcote people put out some sort of specifications for their product.

MR KLARER: The Flintcote and other reliable manufacturers as well, but even these will not do a proper job unless they are used according to the specifications, and these contractors if we can call them that, are not laying asphalt according to any real specifications; sometimes it's two men and a truck, and sometimes

it's a larger operation. (reads, page 2, para 3) "It has also been found.....this type of operation." (page 2, end para 5)

MR BECKETT: Just there, do you think the mere fact of licensing would correct this?

MR KLARER: Not entirely, but if they had to have a license from the local municipality, they would have to give a proper address so they could be found if the job doesn't stand up; and in the case of fraud, the police would have something more than they have now at least. Along with the licensing, there should be a minimum set of standards or specifications set out for such work as the paving of driveways or private roadways.

MR SINGER: How do you propose this would be enforced?

MR KLARER: Well I suppose the same way the building of homes and other buildings; there is a set of specifications and the Building Inspectors inspect them and see the proper standards are used.

MR SINGER: We don't license the builders.

MR KLARER: But there is certainly some control over the builders whereas these contractors--there is no control at all--no protection for the public.

MR BECKETT: You have to submit your specifications in order to get a permit, but this is to protect the municipality from structures that contravene the building and zoning by-laws of that municipality. And the inspection is to see to it that these by-laws are adhered to; but not to protect the homeowner from the contractor.

MR SINGLER: I am not protected in building a house. I made a contract or should make a contract with a building contractor, and it is up to me to see to it that I get what I am paying for; it is not up to the municipality. If I don't get what I pay for, then I can sue him or take private legal action. Surely you can't expect a municipality to protect the citizen from his own bad judgment or from his desire to get a bargain and thereby come to grief.

MR KLARER: But surely the municipality can protect a citizen from fraudulent workmen; as it is now these contractors and salesmen are robbing the public and the hands of the police are tied.

And this is going on all over the province, not just in the Oakville-Trafalgar area. If there was permissive legislation so the municipalities could, if they wished, license these salesmen in order to have some control over their operation and also to bring them a little more into line with the established business in a community.

MR MORROW: Mr Chairman, do you think they could be licensed-door to door salesman? Licensed by the municipality?

MR BECKETT: Would this give the guarantee that Mr Klarer's Association is seeking for the public?

MR MORROW: No, I don't think it would entirely; but it would be a measure of control. Such firms would have to give a name and address.

MR KLARER: And these unscrupulous salesmen don't want their names registered.

MR COWLING: Here's what I think- the door to door salesmen should be licensed, and the public should be educated to ask them if they are licensed.

MR KLARER: Exactly.

MR BECKETT: You mean every time a door to door salesman comes to your house, you say to him: Are you licensed?

MR COWLING: Why not? I think it would be a fine thing to educate the public to ask when someone comes to their door: Are you licensed to sell what it is that you are selling?

MR KLARER: And a license fee should be to bring these door to door sales companies in relation to competition of firms established in the community who are paying taxes to the municipality.

MR BECKETT: Do you mean business taxes?

MR KLARER: Yes and realty taxes and support the community generally. These people come in and take money from the community and do not contribute to the municipality.

MR SINGLER: What about the mail order houses who have a very small office and pay a very small business tax and yet take very substantial sums of money from the community?

MR MORROW: But this is different from a fly-by-night operation that these others are operating.

MR BECKETT: That's right. Any more questions on this- any questions the Members of the Committee would like to ask Can we go on then?

MR KLARER: (reads 2nd Brief) " In compliance with.....same will be done in Canada." (page 2, end para 1)

MR BECKETT: I believe this has been done.

MR SINGER: From the accounts one hears and reads, it appears to be booming bigger than ever. And if people want to buy, what can be done if they are not harmful except.....

MR KLARER: I dont believe it was ever suggested that these vitamins were harmful.

MR SINGER: And the people are still selling...

MR KLARER: Similar ones at a much reduced price however. (continues, page 2 , para 2) "One opinion I have..... proper legislation and enforcement." (end of Brief) Gentlemen, there is just one other thing, as I have pointed out several times and as you gentlemen have also stated, this practice is very wide spread throughout the province, and I would respectfully suggest that other municipalities should be contacted on this matter to get their opinions. I am sure you would find that they would welcome some method, licensing by the municipality, we have suggested, or possibly inspection by the province, if this could be worked out to protect the public, the consumers of this province from unscrupulous salesmen.

MR BECKETT: Do you have any comments, Mr Taylor?

MR TAYLOR: The big problem here, I think, would be the supervision of such a program. People go into a municipality, and if they are bona fide persons, they contact the police or the clerk and if there is a municipal levy, they pay it and then go to work and I am speaking now of the large established companies who sell directly to the consumer. If the person selling is not in this category, even if there is a licensing by-law, they will operate very swiftly and be off before the community is really aware of what's going on.

MR BECKETT: What about inspectors--do you have,,,

MR TAYLOR: We dont have any inspectors.

MR SINGER: Is an inspector equipped to pass on the quality in relation to the price-I dont think this is practical.
(chit chat re prices and quality)

MR THOMAS: If the salesman were bonded, then if any sharp practices or fraud were perpetrated, possibly the consumer would have some protection in this way. And the salesman would have to show proof of being bonded-he could have some identification card or something like that. (chit chat re methods of bonding)

MR BECKETT: I think your association does a wonderful job in protecting the public.

MR COWLING: I was interested in what our friend says "it is the fondest hope of this writer that someday a bureau such as ours may not be necessary because of public awareness of good business ethics and proper legislation and enforcement." Do you really mean that?

MR KLARER: Yes, it may seem strange and rather pious, though I hope not, but I would prefer to be out of business if we come to the happy place where a bureau such as ours is not needed.

MR EVANS: Mr Chairman, I believe this is a real problem- I know it is a growing one in our community. (cites story of refrigeration plant)

MR MCNEIL: We had a group going our area supposedly relining chimneys, and they really sought out older widows and told them their chimneys needed attention; they were in a dangerous condition and they plastered up a few bricks and charged them sums of money out of all proportion to the work done.

MR BECKETT: It's a case of buyer beware.

MR EVANS: It is indeed buyer beware,

MR MORROW: I think if they had to go to city hall to get their license, this would act as some deterrent.

MR COWLING: You get complaints about business ethics, I suppose? (yes) Do you ever get complaints about lawyers?

MR KLARER: Sometimes. (chit chat and jokes)

MR BECKETT: We appreciate you're coming along to day and we will give consideration to these points. Thank you.

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AUGUST 15th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

MRS H.G. ROWAN, C.M.

MRS E. EATON

J. A. TAYLOR

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Secretary

Asst. Secretary

Solicitor

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Alfred H. Cowling
Arthur Evans
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Thomas D. Thomas

APPEARANCE:

Leslie H. Saunders

PRESENTATION:

ORAL SUBMISSION

LESLIE H. SAUNDERS - ORAL SUBMISSIONHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, we have with us now Leslie H. Saunders, whom I believe most of you know.

MR COWLING: Mr Chairman, may I have the honour of introducing Les? (yes) (introduces Mr Saunders)

MR SAUNDERS: Thank you very much.

MR BECKETT: Now of course you know our Terms of Reference? (no) Mrs Rowan will you read the Terms of Reference. (Terms of Reference read by Mrs Rowan)

MR SAUNDERS: Thank you, I wasnt aware of their scope I just thought I would come and give you some of my thoughts on municipal matters from my 23 years experience in this field.

MR BECKETT: I am sure they will be very constructive and we appreciate you coming here today.

MR SAUNDERS: I must confess at the beginning I dont know all the answers.

MR BECKETT: Who does?

MR SAUNDERS: I dont know. But I do have a few thoughts that over the years have come to me from time to time and are now crystalizing in regard to taxation for example and education. Now there has been some suggestion that the Provincial Government take over the-all education; and many suggest too that they should take over the cost of welfare; now I believe that welfare is the responsibility of the Federal Government but that education should be taken over by the Provincial Government. Now you say where will we get the money to finance it. Now today Canadians spend one billion dollars in liquor and if they can spend one billion dollars for liquor....

MR BECKETT: Do you suggest to add another tax to this commodity?

MR SAUNDERS: It's not taxed....

MR SINGER: Not taxed? Surely youre labouring under a misinterpretation.

MR SAUNDERS: These are my own views, but in order to find new sources of revenue....

MR BECKETT: What other sources do you have in mind?

MR SAUNDERS: For one, a provincial income tax- we did have one at one time.

MR BECKETT: What about a poll tax? The City of Brantford and Oshawa have the poll tax and it seems to work satisfactorily.

MR SAUNDERS: I cant say I favour these; they are really a nuisance tax and are difficult to collect, especially in the larger municipality.

MR BECKETT: What do you think of it in principle.

MR SAUNDERS: It's the same principle as the income tax. (chit chat re old days) I would also like to express my views on the stoppage of essential services. You must have water and you must have hydro because a good deal of our cooking and our services are by electricity; it seems to me it would not be wrong for those people coming under those categories should be required to arbitrate their disputes the same as the CNR employees when the government brought in a Bill to compel them to arbitration.

MR BECKETT: In other words they shouldnt be allowed to go on strike.

MR SAUNDERS: I would say that- that's my opinion with some experience in the Labour Movement. I dont think there is anything unfair about this. When it involves a great many people, there must not be any danger of having to forgo the essential services.

MR BECKETT: You wouldnt include all civil servants?

MR SAUNDERS: Oh no, no, I wouldnt say that. Is there some suggestion of that in the Province?

MR BECKETT: No, no, in the United States to be precise; in the state of Ohio, civil servants are not allowed to go on strike.

MR SAUNDERS: I'm not concerned with some of the them- the person who works in an office or the man who's fixing the sidewalk, but the things that are essential, water is an essential thing. Everybody's afraid to even suggest the thought of it. But

fortunately, it hasn't happened. But the garbage collection strike in Hamilton a few years ago, the men lost out in the end because they got outside people to do it.

MR SINGER: Wasn't there a Hydro strike in Scarborough in '57?

MR SAUNDERS: Yes and it affected the water services and I don't think that council should ever be put in the position of having to worry about it. Because if there's a threat, then the men of course are more likely to get a larger portion of their demands than they otherwise would get. Then I think we might have uniform traffic signs, so that a motorist can know when he can park rather than when he may not park. Now you can have three or four signs on a pole. I remember a pole opposite my printing place and when I asked the men to come down and tell me what I could do- I knew what I could do- but I saw a man looking at it-the motorist stopped and he stopped so long to see whether he could park and somebody bawled him out for stopping and a policeman tagged him. Now the motorist never should be confused. I tried to suggest that in East York, that the motorist, the citizen should never be under the difficulty of not knowing what his rights are, so they come along the next day and say: Well I didn't know whether I could park there or not. He ought to be able to know in very simple language. I think it's elementary that there'll be no parking at a hydrant or a fire hall or a laneway; but I think we need a uniform rule with respect to the distances from corners, so a man won't need to look whether he can park 50 feet or 100 feet. But we have all sorts of distances from the corner, and they put the sign on the first telephone or telegraph pole, the one closest to the corner. And I think it would be a nice idea to put a sign saying: You may park one hour or two hours. But we've got such a multiplicity of signs.

MR BELISLE: Mr Chairman, I had an experience last week, and I agree with Mr Saunders, when I was in Ottawa, on Rideau St, there was a sign there, park for an hour- 10¢ on the parking meter. And I got there 6 minutes before 9 o'clock and I parked and went into the restaurant and came out and I had a \$6 ticket; away down at the other end, probably three blocks away, there was the sign,

No Parking Between 8 -9 in the morning.

MR MORROW: You've got to smarten up when you come down to Ottawa. (chit chat re Ottawa)

MR SAUNDERS: I havent the answer entirely, Mr Chairman, but it seems to me we confuse the people and we have a multiplicity of signs on poles all over the place. It seems to me it would be simpler to put on the sign: You may park instead of no parking. And I think we might give some attention to the way pedestrians are straggling over cross walks. We're different from any country in the world that I've been in where they have cross walks; and especially in England where the people wait for a break in the traffic and then they all go over. But here, they go from one side and then from the other side, one at a time and they can hold the traffic up for half an hour. And it's happening all the time and it's defeating the very purpose of the cross walks. Now the only alternative to that it seems is to do away with all the cross walks and put in push button lights; and this can be tripped only every so many minutes and people would have to wait for the green lights. But perhaps an educational program might help.

MR BECKETT: The great spirit of independence.

MR SINGER: Nevertheless our cross walks have proven themselves very substantially have cut down and I suggest by 50% pedestrian deaths in Metropolitan Toronto.

MR SAUNDERS: Yes I agree with that and there are millions of people who use them. I wouldnt do away with cross walks.

MR SINGER: Those figures are almost amazing to me, and I supported cross walks since they were first introduced, notwithstanding the increase in population and the increase in motor vehicles, the pedestrian deaths and injuries in Toronto have been reduced differently than the rest of the continent. It has very substantially reduced the accidents.

MR SAUNDERS: Yes, I think the argument is in favour of the cross walks. Well another item...I would like to see several of the authorities of the municipal council be restored to them. There's a tendency to have government by Commission, and that's been

condemned in the land more than once by Members of Parliament. Take for instance what the council has to refer to the Municipal Board, and that's an outgrowth of the depression days; prior to that council had certain status, just as the province has certain laws and knows its sphere of operation and influence and the Federal Government has its. Now the Municipal Government has right to operate; the depression came along and the many municipalities went into the red, and they came under the control of the Department of Municipal Affairs; then eventually the Ontario Municipal Board had to okay almost everything that a municipal council thinks up. Now take in East York-now our capital budget, like all the suburban municipalities, the amount has to be approved by the Metro Council. Nowwithstanding that, every time we seek to ^{expend} extend money on that approval, we have to send something on to the Municipal Board. Perhaps they just go through the formality and tries to expedite it, but we cant put down a sidewalk or a sewer or a road or a traffic sign- anything whatever that's part of that capital budget, but we have to pass another by-law and send it on to the Municipal Board for approval.

MR BECKETT: It applies to all the municipalities outside of Metro.

MR SAUNDERS: Oh yes, but it seems to me that those things are not necessary where the township is solvent. Now the Municipal Boards decision is usually by two persons and sometimes by one; the Chairman will sit and he'll nod to the person on his left and he'll agree like that-I've seen it and they're capable persons. But it seems to me that they're decisions to be made as against the decision of seven members in East York or 23 members in Toronto, and that's hardly democracy working the way it ought to work. If someone needs to be protected, I think there should be recourse to the courts; other than that, I think the municipal government should have the right to operate on their own.

MR BECKETT: Perhaps there should be a vote of the ratepayers on all these capital expenditures.

MR SAUNDERS: Well there could be in a large item; in many cases of course, there are, like the Toronto City Hall.

Of course I know the tendency now is for the Municipal Board to waive it and if the municipality is solvent, which they are all just now, is to after listening to the ...after listening to the representation of the council, and knowing its financial standing, is to say: Well they think it's all right and we've had no protests from anyone, so we'll okay it. And we go through that same process time after time after time, and after all the years, I get a bit tired of it, and it seems to me we dont need to do it. The council should have full authority; that's what we elect people for. And the best answer is, if people dont like that council, the people have the chance to put them out and put someone else in, and I think it should be left more largely to the ratepayers.

MR BECKETT: Mr Saunders, I think you're going to find in the future the Board is going to approve the capital expenditure for the year, and then you wont have to get these special orders.

MR SAUNDERS: Then I think there might be consideration, Mr Chairman, to having legislation which applies to cities and towns also apply to urban townships; I gather from our own solicitor that there's quite a number of instances where an urban municipality, even a town, has the right to do things that a township cant do; now East York has 70,000 people and North York perhaps a quarter million. But it's still considered a township and it hasnt got the same rights to do things that a municipality known as a town has.

MR BECKETT: That's one thing that the Committee has considered is extending the powers.

MR SAUNDERS: That's fine- I imagine I'm carrying coals to Newcastle, but if you're thinking along those lines, I heartily endorse it. Then I dont think any appointed Board ought to be permitted to oppose the council's action. This seems like an extreme thing to say, but I remembered when it happened. In the City of Toronto, when Toronto was trying to get the legislation which would compel the TTC to take over the island operation of the ferries. The TTC went before the Private Bills Committee to oppose the action of the Toronto City Council. I thought it was the most desperate thing I had ever heard.

MR COWLING: We thought that at the time.

MR SAUNDERS: It was an appointed Board, and you say well you can fire the Commission, but you don't want to do that if they are otherwise doing a good job, but it was the strangest set-up I ever saw. And that actually happened. Now that may be an isolated case, but surely a board appointed by the elected representatives, should not have that board in any place, either at the Municipal Board or to a court or the Legislature and oppose the action of the council who appoints them.

MR MORROW: We have Planning Boards that have opposed the Council's actions.

MR THOMAS: The ironic thing about the Planning Board they're appointed for three years, and the council in some cases is appointed for only one year.

MR BECKETT: What would you think of these appointed boards be members of council?

MR MORROW: It would be called centralized then.

MR SAUNDERS: Well I think that the Planning Board's function or any board's function ceases when it makes a strong representation to council, and this has happened where a member would come and try to influence us with his viewpoint, and we would listen to him and we were guided by them because they were experts, but when the board made its decision, that was the end of it. And when the council made its decision, it didn't matter what opinion the Commissioner had, it ceased right there, and that was the policy. And the civil service must do that too, but I think it is something that must be watched. Now may I say a word or two about the Metro Council? Well I appeared before that special committee they set up about a couple of years ago. I forget the name of it but Allan Grossman sat on it.

MR SINGLER: Mr Cumming was the Chairman.

MR SAUNDERS: Yes, Mr Cumming...I say this before I say anything else, I think Toronto insisting on amalgamation, particularly aggravated the situation. I agreed with it and I talked to people outside, and I think they might well let the matter stand where it is. I did suggest, and I'm still of the same opinion that instead



of amalgamation or annexation, there might be some real integration, and the Legislature itself would introduce another Bill 80...

MR BECKETT: Another one or an amendment?

MR SAUNDERS: Another one - a simpler Bill- similar to Bill 80, and that would save all the local politics and petty politics. It seems to me if we're going to have to change, it would be better to have one large municipality when all the municipalities would be dissolved on X day and the government would bring in legislation to form a brand new municipality, so that nobody would think that Toronto is annexing or amalgamating East York or Leaside, but they could all be dissolved and we start fresh. Now I think that's the ultimate.

MR BECKETT: Under the same name though?

MR SAUNDERS: The name of Toronto. I held that view when Metro came into effect; I did not support the Metro concept. I had a choice of two things, one was to not sit on Metro at all, or if I sat, to help to make it work. I think I can say without any vanity that I endeavoured to make it work and I sat on the Executive Committee for the first two years. I think the Metro concept worked exceptionally well. I think it's done things that the other municipalities could have not done themselves. Or if it's not possible to do that, then Metro might just as well remain as it is, 13 separate municipalities under separate governments; it's more equitable representation. And I would suggest if that is so that they elect a separate council as they do in London, England. The present members of Metro council are pretty busy. (chit chat re Metro and Mr Gardiner) It wasn't possible for the other members of the executive to give the time that the major matters of Metro demanded. Now there could be a change of representation, one member for a basic number of 25,000 or 30,000-that could be worked out. The precedent for that is, I think, PE Island and Newfoundland, one province has 6 members and the other 4 members in the House of Commons no matter what its population gets down to.

MR BECKETT: Mr Saunders, we proposed this in 1924.

MR SAUNDERS: I don't know about that-I wasn't around then. Well you had good ideas in 1924.

MR BECKETT: And the Bill was prepared and went to
killed
Committee finished it, to do that very same thing with the very
same boundaries that Metro has.

MR SAUNDERS: Is that right? In expressing the
changes in Metro, the belief I hold is that it is creating a bit of
animosity which we dont need, and if we cant get a large majority,
I think it's not worth while putting in any policy in which there's
a large minority in opposition. You dont get the best service. I
think something to work should receive the great bulk of the people,
not only the council but the electors. Somebody suggested that we
ought to have a vote of all the municipalities on amalgamation-what
the answer to that would be I dont know.

MR BECKETT: Well supposing you have a vote on this
basis, that in order to carry amalgamation, we'd have to have an over-
all vote, and then you had to have a percentage of the area municipal-
ities having the largest population. That's done in the United States
very often.

MR SAUNDERS: So that you've got a majority from the
outside twelve and if it was defeated by a big vote in Toronto, it
would not go?

MR BECKETT: That's right and I think that's straight
democracy.

MR MORROW: It sounds like the Liberal Government
trying to bring in a Hospital Service Program.

MR SAUNDERS: That's not Medicare. (laughter) I
havent thought that scheme out because in that case you have say,
amalgamation- you'd be amalgamating with Toronto, and in that case,
I think you'd have a great number of the people in the other munic-
ipalities opposed to it on principle-they dont just like the suggest-
ion that they be gobbled up by Toronto.

MR COWLING: It's still Hogtown as far as the rest
are concerned.

MR SAUNDERS: I stand alone pretty well in East York
Township on this thing-I think they're not very realistic, but the

day is coming when there's going to be some change.

MR SINGER: I recognize this and maybe your answer of dissolving the areas and starting all over again, is a good one; but in the meantime, there are some things that are reasonably obvious-is it fair that Leaside should have a tax rate lower than anybody else?

MR SAUNDERS: May I answer that in this way-had there not been a Toronto, it wouldn't be like that; like Swansea used to say to us:- We don't need a fire brigade-I don't think they have one yet, and Weston didn't have one. I used to say to them, If you were back up in the country around Huntsville some place, you just couldn't afford not to have a permanent fire brigade. But you're close to Toronto. And they would say: We don't need Toronto. But they know right well that they do; and there would have been no Leaside if there hadn't been a Toronto.

MR BECKETT: Well I don't know about that. In 1933, I was secretary to a Sub-Committee of this Legislature to study metropolitan areas around Toronto, Hamilton, Ottawa and London. And when we met, we got the greatest opposition from the Board of Control in the City of Toronto; as a matter of fact, your clerk, Mr Somers, wrote me a personal letter and he said: We will not give you any information for your Committee. You've got no authority-it's none of your business, and they furnished nothing. Then we were poor relatives. Today, they want to gobble us up because we've got more than they have. You see it doesn't work out the way you think.

MR SINGER: All these arguments are quite aside; this is not the position now. (yes yes) All these areas including Forest Hill wouldn't be able to exist if they were 100 miles north of here and on their own. They live as they do and they have the beneficial tax rate because they are living off the rest of the Metropolitan area.

MR BECKETT: And the City of Toronto made a lot of money out of Swansea and East York and Leaside selling them water, and Hydro.

MR SINGER: And North York too, and Scarborough

out of North York too. (all talking reToronto)

MR SAUNDERS: I think you have the best example in New Toronto and Mimico; New Toronto has the industry but the people had no place to live so where do they live? They live in Mimico; so Mimico was stuck with a terrific tax rate to house the people who were earning their money in New Toronto. Now New Toronto could have argued the same thing, that it was desperately unfair.

MR BECKETT: That's the same as the City of Toronto; the people worked in Toronto and lived in the suburbs and we had to educate the children of the people who worked in the City of Toronto.

MR SINGLER: Or you could say for the City of Toronto is it fair that they should pay huge welfare bills and so many of the suburbs have almost none.

MR SAUNDERS: The people gravitated there in wartime and came into the city and so Toronto had this housing business that continued years after the war.

MR COWLING: Mr Chairman, answer this question- at the time we introduced Bill 80, there was quite a bit of comment to the effect that the Provincial Government would be greatly criticized for taking on this responsibility without a local vote; and it was passed, and really the opposition to it hasn't been much- now answer this question:- If the province said, all right we'll dissolve the 13 municipal councils and start right from scratch- a brand new deal- new borders, same name, what about the criticism there for the province?

MR SAUNDERS: I can't answer that. There was objection to the other by Toronto City Council by a vote of 19-1 in opposition, but once it became law, of course the opposition died. And I don't think you'll get any more opposition to this. And of course as Mr Chairman, there could be a vote taken in all the municipalities and that should answer all criticism.

MR SINGER: What I was trying to get at is maybe there is a median step with your suggestion that the end result be the unification of welfare, industrial assessment, educational costs.

MR SAUNDERS: With all that and when that happens, all you're doing is that the local municipalities are being stripped

of any power or authority; the only thing that would be left would be snow plowing, collecting of taxes etc-there's not much left if you take traffic control, health and welfare, education; incidentally in London County Council, health is a local matter. There's very few things they have but there is a separate council which directs these things.

MR BECKETT: Nothing to justify its existence.

MR SAUNDERS: Well there's not much left to do when the work is transferred to Metro, and every year some of these people who oppose amalgamation, and all being one, yet they're quite prepared to turn over to Metro every once in a while, a service; so that Metro is getting all the services and we won't have anything but the need.

MR SINGER: Perhaps this is the median step towards the goal. I have another question, you suggest that you get more equitable representation, but if they're elected directly to Metro Council, I can recognize there's too much work to do to serve both masters; on the other hand if you get the representative from East York to Metro, who finds himself frequently in opposition to the East York Council, aren't you causing an awful lot of disturbance locally.

MR SAUNDERS: That person would have to be elected on the same votes in that area; it happens in all these large councils I mentioned London County Council because of study of that one, Mr Chairman; I can't go into all I learned from it but that's their policy. But there they have councils elected on a party system.

MR BECKETT: You no doubt have a copy of that report of Lord Nissen-they recommended...

MR SAUNDERS: They've already changed that. Of course one of their problems was to try to equalize the population of the boroughs, and I see there were some changes. But there could be some argument that that would make an unwieldy council if we had this other form, but we've got to have some type of form; we can't keep going on whereby for instance, North York has one vote; that isn't a fair representation with a quarter million people and equal with Swansea etc. Now this might make a council of 60 or 65, but Montreal has 99-I don't know whether it still has, but it was set up as 99 with three sections

of 33, incidentally in which the tenants have only one-sixth of a vote. They vote with the property owners for 33; and the property owners vote for 33, and the other 33 are appointed by the Manufacturers and the Board of Trade. And I think London County Council has 120.

MR BECKETT: The City of Winnipeg now a metropolitan area-they are elected the way you suggest, but they do make this provision, in order to equalize the representation between the city and the suburbs, the region from which they are elected must have a certain percentage of the vote of the City of Winnipeg; but they are elected directly....by the people.

MR SAUNDERS: Well I wasn't sure that a study of Metro was in your Terms of Reference, but I thought I'd at least express to you my thoughts after being in Metro for seven years, I haven't had the longest service of people in municipal life, but watching this from my place of vantage, I think this is something that ought to be studied. Now those are all the things I had, Mr Chairman. I appreciate your listening to me.

MR BECKETT: We appreciate you coming with your experience and having sat on these different councils, including the Board of Education, you've had a very wide experience in the municipal field, and still at it.

MR MORROW: We might ask Mr Saunders what he thinks of a uniform municipal voting day- across the province-one day.

MR SAUNDERS: That might be a good idea-would it be the first Monday in December?

MR BECKETT: Then there's the balance of the year you see that we would be sitting in council- a dead duck council.

MR SAUNDERS: Well it used to be on New Year's Day.

MR BECKETT: When I was in council it was always on New Year's Day. Is there anything wrong with that.

MR SAUNDERS: In fact I used to think we had more votes out on New Year's Day than we do now. East York got 40% this time. It has been down to 10 or 11% in a by election. (chit chat)

MR BECKETT: Mr Saunders, what would you think of a section like this- a limit on the value of money goods and services

spent by any candidate seeking municipal election for any office.

MR SAUNDERS: I cant see what that should be. I cant see why anybody should worry why I spend more money than Alf Cowling or you spend more than I do for election; what purposes is it? Only to serve some fellow who never had any money who wants to run for office. I'm not much for that-if a man cant make a success in his own business and have a few dollars, I doubt if he can make a good council member with the electors dollars. (chit chat reminiscing) No I'm not concerned about that.

MR BECKETT: In a democracy, if you want to spend \$10,000 and I want to spend \$5,000, that's your business.

MR SAUNDERS: There might be some argument that some interests might want to help me get in, but I dont know how you're going to catch these kind afterwards anyway-they could say it's somebody else's money.

MR MORROW: It's only the amounts that they ask for to be sent in in the provincial and the federal is limited to certain things-printing and so on- it doesnt include all the money one has actually spent.

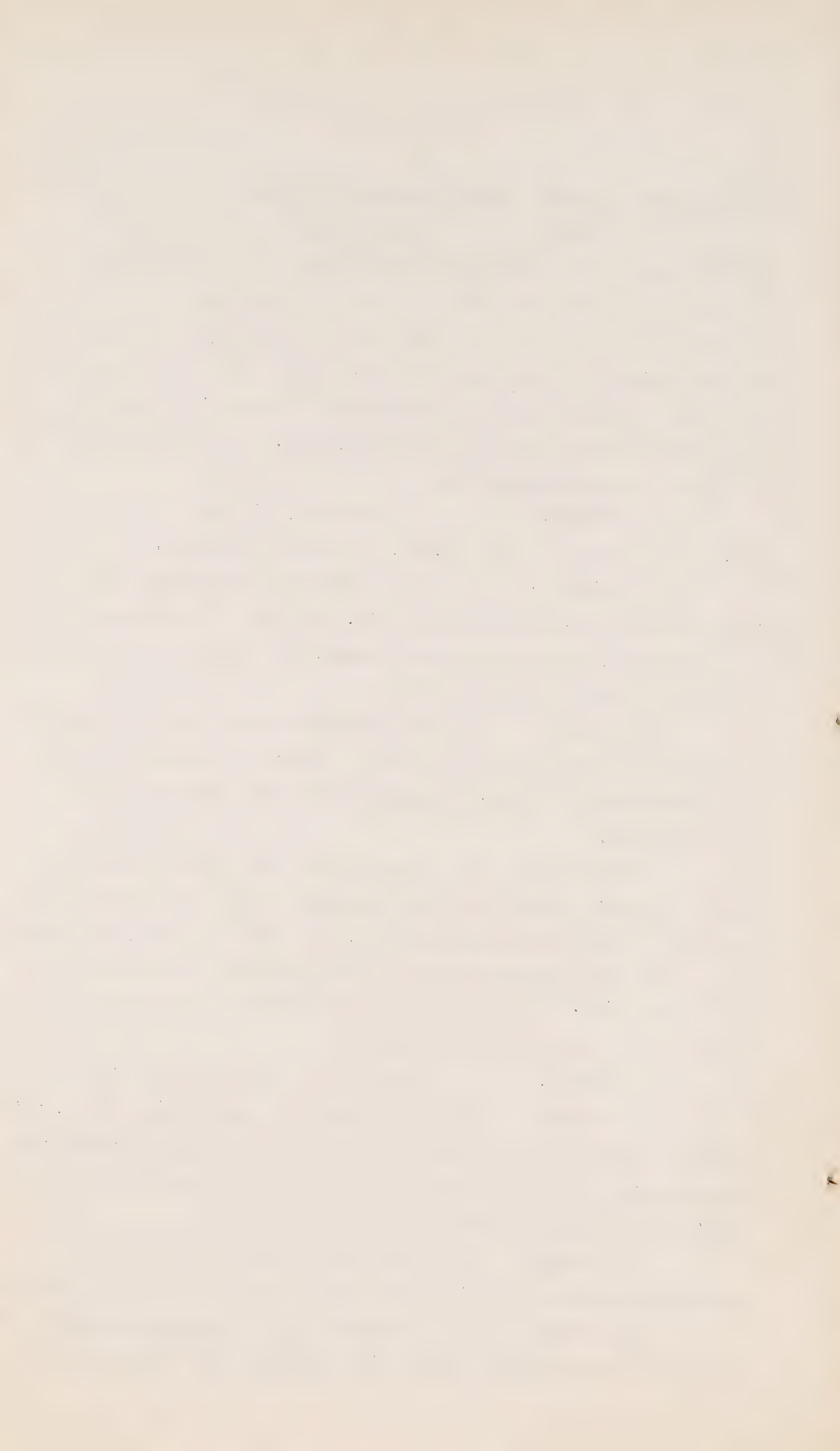
MR SAUNDERS: I have always had a high regard for people in public life-I have never condemned anybody on a public platform; and I have found a good council when I went in and a good council when I went out; now there might be the exception, of course, but it is the exception. And I can say the same thing for the municipal staff and I'm sure in the civil service.

MR MORROW: That's what I said this morning.

MR BECKETT: This matter we hear so much about, this conflict of interest, the member sitting on council and a matter comes up concerning a firm or contract and he is a shareholder or an officer or director, now should there be legislation or....

MR SAUNDERS: Well such a member, if he's on the committee, should say he's interested and he doesnt vote in this matter.

MR SINGER: Presently the new amendment says that if you have a director or an officer in a company, even if he declares



his interest, he can no longer hold his seat.

MR BECKETT: He's disqualified.

MR SINGLER: That is if the council...

MR SAUNDERS: You mean whether he votes or not?

MR SINGER: Whether he votes or not or declares his interest or not. This is what the Act now says at the moment.

MR SAUNDERS: So there's a member sitting on East York Council and a tender comes in from a company in which he has some interest in.....

MR SINGER: No, not just some interest-if he's an officer, a director or an agent.

MR SAUNDERS: Oh and if the council awards that tender, he's disqualified.

MR SINGER: We had Mr Oakah Jones from the Consumers Gas violently objecting to this. He said, in our company we urge people to run.

MR SAUNDERS: Well I'd say that's rather drastic. Now I have my own business and I decline to do business with East York; it's only a few dollars and it's not worth any criticism.

MR BECKETT: Mr Jones said it made them second rate citizens not being able to sit on council. (chit chat)

MR SAUNDERS: I appreciate your hearing me, Mr Chairman and Gentlemen, and the fact that you're sitting in the summer when when a lot of people are away on holidays.

MR BECKETT: Thank you very much for coming.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-EIGHTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT

AND RELATED ACTS

Committee Room No. 6
Parliament Buildings
Queen's Park
Toronto, Ontario

THURSDAY,
AUGUST 16th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

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Thomas D. Thomas

APPEARANCE:

James Hill, Reeve
Ralph C. Thompson, Clerk-Treasurer

PRESENTATION:

BRIEF - TOWNSHIP OF BARRIE

TOWNSHIP OF BARRIEHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, Mr Hill and Mr Thompson are from the Township of Barrie, which is no relation, Mr Evans, to your Town of Barrie. Where is the Township of Barrie?

MR HILL: It's in Frontenac County, the next township north of Kinnebec and bounded by Kinnebec and Ashby on the north

MR MORROW: I think they would understand it better if you just told them it was north of Kaladar on Highway No 7. They know where that is.

MR BECKETT: And what are your positions in the township?

MR HILL: I'm the Reeve and Mr Thompson is Clerk-Treasurer.

MR SINGER: How big is your township? How many sq miles?

MR HILL: Eleven sq miles and the Department of Lands and Forests own about 60%, that is unpatented lands.

MR SINGER: How big a population do you have?

MR HILL: The population is 307, the resident population; of course we have a big summer population.

MR BECKETT: You have lots of lakes?

MR HILL: Yes and it's getting more populous all the time.

MR MCNEIL: How large an assessment do you have?

MR HILL: Our assessment is \$583,000.

MR BECKETT: That's only of course on 40% of the township, isn't it? (yes)

MR MORROW: It's a summer resort area.

MR HILL: As a matter of fact, about three-quarters of our taxes are derived from summer cottages and summer resorts. And in the last few years, it's becoming more popular all the time-more people are discovering the beauty of the country and are locating their cottages there.

MR EVANS: You do all right as far as school taxes are concerned.

MR HILL: Yes, we do. Our taxes from cottages and summer resorts is very good. We have no school and not too many roads to keep up.

MR EVANS: Do you assess the cottagers for 100% for school taxes?

MR HILL: Oh, yes.

MR MORROW: Some areas just assess them for half.

MR HILL: Well we were advised from the Department to assess them to that extent.

MR BECKETT: Well, you may proceed then, Mr Reeve, and tell the Committee...you may read your Brief or comment.

MR HILL: The area taken over by the Park is about 1476 acres, and the park area reserved during the life of Mr Dennison is 193, making a total park area of 1669 acres; then taken over since by the Department is approximately 350 acres, so that makes 2090 acres altogether. On this property, the last taxes we got were in 1958, and the former Bon Echo property, the taxes amounted to \$672.56; and our contention is this, that had this park been made out of virgin territory, it would have been a different proposition, but when the Park is taken over...tax paying property is taken over, we feel-the township feels-we should be reimbursed to some extent. It seems only fair...we were getting approximately \$700 in taxes from that particular property, and it's being developed all the time. Now during the period of August 1st weekend, the Department took in around \$700 in gate receipts or fees, and that's just one instance during the year. So it is a money making proposition, and I think in all fairness to the residents of the township and to the summer resort owners who operate too, that the township should derive some taxes or grant in lieu of taxes on the operation.

MR BECKETT: Was anybody living on this in 1958 when they took it over?

MR HILL: Oh yes Mr Dennison.

MR MORROW: This is the extra 350 he's talking about, Mr Chairman-they lost \$700 worth of taxes when they took that over.

MR HILL: No, we lost the \$700 on the whole thing.

Mr Dennison was paying the township around \$700 in taxes, and it's a very desirable property. It wasn't the fact that the government took it over that made it more valuable; this property is very valuable, and always has been; and had it been developed privately, we feel that there would have been approximately a half a million dollars worth of assessments on this property.

MR BELISLE: What's the value of the buildings now owned by Land and Forest?

MR THOMPSON: We have the assessment- part of lot 37, Range 2, 8 acres that is assessed now for \$8,485.

MR BECKETT: Land and buildings?

MR THOMPSON: Yes, and the 1962 taxes will be \$288.49 on this one piece of property-8 acres.

MR BELISLE: And this will be charged to Lands and Forests. (yes)

MR HILL: But that doesn't give exactly the right picture. Since the last taxes were received by the county, the township has been reassessed by manual and the assessment has increased approximately three times....

MR THOMPSON: Five and a half times.

MR HILL: Five and a half times what it was before, so you see this figure is after the reassessment.

MR THOMAS: What would the land assessment be on that 8 acres?

MR THOMPSON: \$2000.

MR SINGER: What is the total amount of your annual budget? Approximately?

MR THOMPSON: Approximately \$18,000, I would say this year.

MR EVANS: Do the Department of Land and Forest have to reforest this area?

MR HILL: No, they are developing it for parking areas and boating areas, and Boy Scout areas. Mr Dennison took very good care of that property; it had a very sentimental value for him.

MR BECKETT: Did he sell it to Lands and Forests?

MR HILL: The property, yes.

MR SINGER: Did he sell it to them or give it to them?

MR HILL: Well, I know there was money involved, but I think it was only \$20,000. However I know that one man privately offered \$40,000 for the property.

MR EVANS: That's practically a gift- \$10 an acre.

MR HILL: It wasn't exactly a sale; as I said, this had a sentimental value to Mr Dennison. And rather than see it get into private hands, he wanted it made into a park in memory of his wife, and that's the reason he sacrificed in the price.

MR THOMAS: Have Lands and Forests done much development work on it since 1958?

MR HILL: Oh yes, quite a lot. They cleaned up the underbrush, and they built one building about 30 X 60 and several other things...

MR EVANS: Well you wouldn't have any roads to keep up, Mr Hill because it's highway right past there.

MR HILL: There is but there is something else, in order to get to some of the cottages, some of the cottagers have to go across this land, and the agreement was that they would keep the roads up, and they said: Well we're going to build another road, and we asked them would the cottagers be able to get to the cottages; and they said yes. However this spring quite a number of people called me up and told me they couldn't get in to their cottages; they were bogged down in mud, so we called up the Department and they did smooth out the road, but the people were under the impression that they should be able to get to their cottages and these roads were stipulated in our discussions that they should be kept open for the cottagers and not closed; and they mentioned at the time they would do this so they could get into the cottages without any difficulty and interference

MR BELISLE: Mr Reeve, how is the cooperation between the Lands and Forests and your township?

MR HILL: Well the cooperation hasn't been too bad; on the other hand, it hasn't been too good. For instance, when we heard

about these roads not being kept up, the township apparently has jurisdiction over 66 feet of right of way around the lakes, and the township has to have it posted and it has to be..to go through some process of law before it can be closed. Well when we found out they werent cooperating with us, we just didnt do anything more about it. And it just hangs fire at the present time. But our biggest beef is the fact that we think that it isnt fair to the township to give this park tax free- now it isnt quite in the centre of our township-it's right along the northwest border of our township, and they say...their argument was that it would benefit the township. Now it does this to a certain extent, but no more than the other surrounding townships; in fact not as much. (chit chat re Massinaw Lake)

MR EVANS: Mr Hill what subsidy do you get on your roads?

MR THOMPSON: 80% subsidy on roads (shows map)

MR BECKETT: How many school would you have, Mr Hill?

MR HILL: We havent had any for (all talking about the roads) about 10 years.

MR BELISLE: Mr Hill did you say you were getting 80% subsidy for bridges and culverts or just for roads?

MR HILL: For roads. Of course we have no industry there either and right at the present time we depend on the cottages and then we have this trouble with the road to the cottages.

MR EVANS: Mr Hill, this park, does it benefit the county and the rest of the townships?

MR HILL: It doesnt benefit the county really.

MR BECKETT: What are the services you supply to the cottagers besides roads?

MR HILL: Roads are the big problem in that area. We have no services.

MR SINGER: No garbage collection?

MR HILL: All we have are dumps for garbage.

MR SINGER: No water or sewage?

MR HILL: No water...we have to provide an inspection service for people to put it in. We have hydro.

MR THOMAS: It would be policed by the Provincial Police? (yes) And then you would make a contribution to the Department?

MR HILL: Yes, we're charged for it.

MR BECKETT: Do you pay toward the cost, directly?

MR THOMPSON: Not that I know of.

MR HILL: We're charged with any legal processing through the county. (chit chat) At this stage of the game, we are trying to get the township built up. Now is the time, if these people want these cottages, now is the time we have to give it to them, and we're doing our best to keep taxes down and to encourage the people to build in our township; and we feel that \$700 is quite a large sum for our small township....to lose in taxes.

MR EVANS: What did this new manual...the new assessment...did your mill rate drop?

MR HILL: Yes, the mill rate did drop, but it's much like every place else; it's going up every year. What we operated for last year, we can't operate this year for or next year.

MR EVANS: You mentioned that you get 80% on roads- what do you get on bridges?

MR HILL: The same.

MR BECKETT: What you've lost in taxation has made quite a hole in your revenue. (yes)

MR MORROW: Lands and Forests have no policy compensating townships.

MR EVANS: The only place I know of where it happens in some counties is where there is agreement between the county and the Department for reforestation. The county will often reimburse the townships so much an acre. I think it is \$12 an acre in Simcoe county; but this is a little different- this is where the Department of Lands and Forests own the land outright; the other is under agreement.

MR BECKETT: Did you take this up at county council?

MR HILL: They have no jurisdiction at all.

MR BECKETT: I know they have no jurisdiction, but was it discussed in county council?

MR HILL: We have discussed it, oh yes, I think you have a letter from county council on this.

MR BECKETT: Have we a letter on this?

MRS ROWAN: No, we have received no letter from the county of Brockingham.

MR BECKETT: Would there be any other townships affected the same way in the county?

MR HILL: No, not our county. But the fact is they have taken part of the land and they're using it for commercial purposes and a lot of tourist operations in our township feel that they're being unjustly taxed because of the fact that the Department are using this in competition-maybe not in direct competition, but very close to direct competition to the private operators.

MR SINGER: What services do you supply?

MR HILL: I told you, roads and that's a big problem in our county-you just cant bulldoze on a sandy and level place. It costs a fortune.

MR MCNEIL: What would your road budget be?

MR HILL: This year, it was \$14,000.

MR SINGER: Of which you get 80%.

MR BELISLE: But you dont get any from the county for roads?

MR HILL: We dont have any county roads.

MR BECKETT: You wouldnt pay much then into the county?

MR HILL: We pay about \$6,000-\$7,000.

MR BECKETT: What do you get back for it?

MR THOMPSON: A high school bus.

MR HILL: They operate the high schools, you see, and they have a very good system of high schools. The county operates all the high schools in the county with one school board and they find it a very satisfactory system as we do too.

MR MORROW: How many high school students do you have?

MR HILL: In our township, about 35.

MR SINGER: Only one high school board? How many

public schools do you have?

MR HILL: Two public, one three roomed and one two-roomed.

MR SINGER: Are they operated by separate boards?

MR HILL: No, one board. We have a diagram if you'd like to see it (shows diagram)

MR BECKETT: Does the township own any land, any land to sell?

MR HILL: No, nothing like that. The Department of Lands and Forests sell all these lots. They get the money for them and we build the roads.

MR THOMPSON: And right now they wont sell them, wont sell anything.

MR HILL: Another thing we have against the Department and that is this, many people have come to my place and asked me if they could buy a lot on a certain lake, some place where there is a road into it. And I send them to the Department and they say:-no, but we have some over this way-ten miles from any place- where you cant get a road into it-we have some surveyed out there and we want to sell those first. We in the township feel that is not the proper thing to do. If a person wants to build a cottage where there is a chance of getting a road in, I think they should sell it to them and let them build cottages, build up the township, and we could assess the cottage.

MR THOMPSON: Here's a lake here that's subdivided and it's miles from any place; and here's a lake where you could get into easily and a wonderful place for cottages, but they wont sell.

MR BELISLE: Mr Reeve, have you made any representation to the Minister of Lands and Forests this year or last year personally?

MR HILL: I've spoken several times to the local man....I havent spoken to the Minister. You know in a small township, the Reeve and the Clerk, they dont get too much pay- you have to budget your time, and we cant spend a lot of time for nothing.

MR MORROW: At the Good Roads Convention next winter, get a hold of your local Member and get an interview with the Minister.

MR BELISLE: When that park was officially opened, was the Minister in the vicinity.

MR HILL: I dont know if he did or not; not that I know of. But it's becoming a very popular place as I said before, and it's too bad that we cant sell these lots that are held by the Department, to people who want to buy them, and where there are roads, and where they want to go-not miles from anypplace, and not where the Department tells them where to go-I dont think that's a good idea.

MR BELISLE: I agree with you; we have the same problem in the North.

MR HILL: Yes. I think they should cooperate with the township and the township cooperate with them and pick out these places that are desirable as cottage sites, and if they want to keep a place for a public park, that's okay as far as the township is concerned; we'd be delighted to go along with that.

MR BECKETT: How long have you been Reeve?

MR HILL: This is my fifth year.

MR EVANS: I dont know whether this is a fair question, but we've had representations on this, do the cottagers want to sit on council? Have you had any trouble over this?

MR HILL: Absolutely not. They dont at all.

MR MORROW: There have been votes in several areas.

MR HILL: Yes, I know and for my part...of course I'd say maybe two-thirds of the people in our township in cottages are Americans, and the other third, they dont give us any trouble at all. For our part we welcome them; we like them to come to the council and tell us their problems and we try to help them.

MR SINGER: How big a council? (5)

MR BECKETT: Are the five all farmers?

MR HILL: No, the storekeeper and the resort owner two storekeepers and the mail carrier.

MR EVANS: Mr Thompson, you are the Clerk-Treasurer what are all your duties?

MR THOMPSON: I've been the clerk since 1930 and I've

been treasurer since 1940?

MR SINGER: Are you a permanent employee?

MR THOMPSON: Oh no, I have my farm.

MR BECKETT: Any other questions, Gentlemen?

MR MORROW: I think we should say to these gentlemen that we only have power to recommend; we have no authority to solve their problem ourselves.

MR HILL: We understand this-what I'd like is some inference of how favourable your recommendations would be, because if they're not going to be too favourable, we'd like perhaps have another meeting with our Member down there some time if there is a chance of getting what we're asking for; and what we're asking for is approximately the taxes that we didn't get the two previous years; and a chance of revising the tax structure every second year as the building goes on in the park.

MR MORROW: What you're asking for is a change in policy in the Lands and Forests Department.

MR HILL: Yes, that's right.

MR BECKETT: Well with the consent of the Committee, I'd be glad to take it to the Minister and see if there's anything we can do in that regard.

MR THOMAS: Mr Chairman, it seems a reasonable request. After all the provincial parks are being developed for all the people in Ontario, and no taxation going to the municipality, I think it is reasonable request from the Committee.

MR HILL: One argument they put up was the fact it was a benefit to the whole of Ontario; well I agree with that 100%; but why should our township be penalized to the extent of losing their taxes for the benefit of the whole of Ontario.

MR BECKETT: Well I'll be glad to do that for you, and thank you very much for coming; we appreciate your problems and we'll see what we can do for you.

MR HILL: Thank you very much, Gentlemen. We're very glad to have met you.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-EIGHTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT

AND RELATED ACTS

Committee Room No. 6
Parliament Buildings
Queen's Park
Toronto, Ontario

THURSDAY,
AUGUST 16th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

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MRS E. EATON

Asst. Secretary

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APPEARANCE:

H.L. Cartwright

PRESENTATION:

BRIEF - TOWNSHIP OF PITTSBURGH

TOWNSHIP OF PITTSBURGHHOLMES E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, Mr Cartwright is with us on behalf of the Township of Pittsburg. Now Mr Cartwright, you may read your Brief-it's not very long- or if you dont care to read it, you may comment on it-you may proceed.

MR CARTWRIGHT: Mr Chairman, and Gentlemen, the Brief isnt very long and I would like to add something to it. There's three points here, the Registration under the Planning Act, the point raised in our correspondence, the assessment of military lands, which has something to do with the point that Mr Thompson of Barrie was raising; and the assessment of industrial lands. Now the first one is a very narrow point;by the recent amendment to the Planning Act, a change was made by which instead of there being a penalty for attempting to register a deed which contravenes the Planning Act, now the deed is merely void.

MR BECKETT: Well isnt that a greater penalty?

MR CARTWRIGHT: It's a greater penalty, but our Planning Board looks at it this way. They feel that a good many people will, through ignorance or inadvertence or some bad advice, contravene the Act, and will not get a good title; and then they will later come back to the Planning Board-the initial purchasers will come to the Planning Board and will exert considerable pressure to have the thing corrected. And our Planning Board is of the opinion the time to correct it and the time to stop it is before the damage is done. But here you're giving a Registrar authority to refuse to register such a deed.

MR BECKETT: That's what you say in your second paragraph.

MR CARTWRIGHT: Yes, and as I say, it's a very narrow point- a matter of policy, and I have nothing further to submit in regard to it, Mr Chairman. Now in regard to the second point, that is a thing which perhaps affects a dozen townships in Ontario; I think it affects us to a greater extent because I would estimate more than half of the value of the land in the township is taken up by Federal

Government lands of some sort, principally a large military establishment. Pittsburgh is a township on the St Lawrence, just east of Kingston; and immediately east of Kingston, over the Cataraqui River, there is this large military establishment known as Vimy Barracks and Barryfield Camp; there is also old Fort Henry and the Royal Military College, and between the group, they take up several thousand acres immediately adjacent to Kingston. In other words, the land which would be likliest to be developed. I've given you some figures here, and there's a table attached to my Brief, at the very back, which shows that there is an assessed value of \$3,368,000 and some odd dollars in these military lands; and when I say the assessed value, that's the accepted value-accepted by the federal authority. They just say arbitrarily to us: We will accept the value of, in the case of the Royal Military College of the Royal Military College, of 117,000. Well heavens, you couldnt build one of the buildings of RMC for this sum.

MR SINGER: There is an appeal procedure, isnt there?

MR CARTWRIGHT: Not....the Municipal Grants Act doesnt give you any right what ever-it's purely a matter of grace. The government may make the grant in lieu of taxes, and there's no if.

MR SINGER: But they review it.

MR CARTWRIGHT: Oh yes they review it, but they always come up with the same answer.

MR BECKETT: When you say they accept the figure of the assessment....

MR CARTWRIGHT: I beg you pardon, Mr Chairman; they do not accept our figure. They say: This is the figure we'll accept-period. We dont assess. That first value for RMC of \$117,650-it is a figure they gave to us and said: We will accept this figure.

MR BECKETT: Then you dont carry these properties on your assessment roll- dont you do that?

MR CARTWRIGHT: Well we do, but it is purely nominal, and it is their figure. We dont assess at all. Now in the schedule I've given you, the only ones I'm concerned with today, are the first four because with regard to the married quarters, there is an agree-

ment between the township and the Federal Government, under Section 245 of the Assessment Act by which have agreed to pay a certain amount in lieu of taxes, so it is the first four....

MR BECKETT: How long has this agreement been?

MR CARTWRIGHT: That's been in effect for three or four years; and the only way we were able to get that was because the Province passed an amendment to the Assessment Act, which provided that we would assess the occupants of these houses- we could, if we didn't have this agreement, we could assess the occupants of these houses, the soldiers in this case, and he would be personally liable. Now there would be the devil of a job trying to collect that, as you know, but at the same time, it gives a lever on which instead of getting \$5 per house, as we had been getting previously, we now get the regular tax rate on \$2,416,000 worth of assessment. Now that is an agreed figure, because we had this lever and we were able to bargain a bit on this. On the others, we have no lever so we can't bargain- we have to take what they say. Now if you're turn back to the Brief, and I will read (reads, page 1, para 4) "2. Military Lands - the attached schedule.....by the Federal Government." (page 2, end para 3) Now if we had known before we applied for 'a federal grant of this change in the Assessment Act Section 94 (3) in 1961, we wouldn't have applied for the grant because we lost money on those properties by applying for this grant; we lost \$4800 on these particular properties. They paid the township rate but they wouldn't pay the county rate. This Section added it to our equalized assessment, so we had to pay the county rate and it cost us that much in that year. Now Mr Cass has said he will do something about this, but it seems to me, and this ties in with the last Brief you heard, (Township of Barrie) it seems to me that the basic difficulty lies in the exemption of these lands from taxation; and this would apply equally to provincial lands. (reads, page 2, para 4, line 4) "The county rates from.....
.....Permanent Married Quarters." They have their own schools and that is another sore point with us, because the province pays half and the Federal Government pays half, and they are a damn sight better schools than we can afford.

MR BECKETT: A 50-50 proposition.

MR CARTWRIGHT: Yes and it is a rather sore point with us. I insisted at one time-that my daughter attend for one year this military school, because it was much more convenient than the school she normally went to. And they said: Oh no, this is for military personnel only. I said: All right then if you want this raised on the Floor of the House, this question of jurisdiction of the Province I'll do it; but my point is that your schools are subject to the Province, and you will have to take my daughter because this school is more convenient to her than the school she would have attended. So they backed down and took her; but I had to use an awful lot of pressure. These schools are a lot better than the schools we can afford, and the Province is paying half and the Federal Government is paying half, so we are paying.

MR BECKETT: Is that characteristic throughout the Province?

MR CARTWRIGHT: I couldn't about that, Sir.

MR EVANS: Camp Borden is the same.

MR BECKETT: Do they operate the same, half by both governments, and not open to the public.

MR CARTWRIGHT: Well, if you make an issue of it. I say here (reads, page para 5) "moreover the lands.....on a poor township."

MR SINGER: This is still a federal matter.

MR CARTWRIGHT: Well surely this is a question of fairness. We are a poor township, and when the Province passed that Section which allowed us to tax the soldier individually, but....

MR BECKETT: That helped some.

MR CARTWRIGHT: You're right it did. This schedule shows there is now a \$2, 400,000 assessment on the married quarters-some 600 houses; before that we were getting \$5 for a house.

MR SINGER: Do you have any provincially owned property in your township? (yes) Don't you get more money from the federal grants in lieu than from the provincial grants in lieu?

MR CARTWRIGHT: I'm afraid I don't follow you there.

MR SINGLER: Proportionately, dont you realize more from the Federal Government from federally owned property than you do from the Provincial Government on provincial property?

MR CARTWRIGHT: I've never worked out the proportion. The amount of provincially owned property is very small and doesnt loom large in the overall picture.

MR SINGER: But this has certainly been my experience that the province cuts back far more than the Federal Government does in grants in lieu of taxes.

MR CARTWRIGHT: Well now the Province is now operating Old Fort Henry in our Township; it's owned by the Federal Government, but the Province is operating it; and to the best of my knowledge, not one nickle comes back to us.

MR SINGER: We've heard plenty of complaints from Niagara Falls, where the Province operates bridges and all sorts of installations down there, where they get no money at all back or very small amounts.

MR CARTWRIGHT: Now with regard to these military properties, we have no objection to paying our share, but it seems to me and I do submit to you that with regard to it and with regard to Old Fort Henry, and with regard to any government property, that where there's a total exemption, that the inhabitants of that municipality are being asked to pay an unfair share. They're being asked to bear the whole cost of servicing the personnel and the people that come there, rather than...if it were assessed, it would be spread over the people who were adjoining. Take Old Fort Henry as an example. People are coming from all over the Province; the Province is enjoying certain benefits from the tourist trade. As far as the Township of Pittsburgh is concerned, we have nothing...or perhaps a couple of motel operators will get something. But apart from that, the township gets nothing whatever. Yet the roads are being used and the best land is sterilized from taxation.

MR BECKETT: What subsidy do you get from the Province for roads?

MR CARTWRIGHT: I believe it is 80%, but I'm not sure.

MR EVANS: Mr Chairman, I'd like to ask a question regarding married quarters, the taxes- you dont receive this money until actually you should be paying it to the county; do they penalize you for it, or do you have some arrangement with the county?

MR BECKETT: In other words, when do you get the money?

MR CARTWRIGHT: We get the money the following year, so that we pay interest for a year- not to the county, but to our bank. We use them.

MR EVANS: But you do give the county the money?

MR CARTWRIGHT: Oh yes, we do.

MR EVANS: In some places they have an agreement now...this came up in Simcoe County at the Township in Simcoe and the married quarters at Camp Borden, and they,infact, appealed their assessment on the basis that the county couldnt assess them on married quarters in Camp Borden; however they have come to some agreement now where they do pay them, but they dont pay them until they get the money.

MR CARTWRIGHT: That would be better, more fair.

MR BECKETT: And the county carry it.

MR CARTWRIGHT: As a matter of fact, if the Federal Government would only make the direct grant to the county and the direct grant to the township, and if the Provincial Government would delete this Section 94 (3) or the parts that bear so hardly on us, it would help us a great deal. You'll see by looking at that schedule that the married quarters tax rate includes the county rates, that is the grant from the Federal Government includes the county rate of 11.0641. This schedule, incidentally, is the one we used in our application for the municipal grants to the Federal Government. So Section 245 of the Assessment Act covers that.

MR SINGER: Well I can see your complaint, and I'm sure the Chairman could tell you that we have received the same complaint that the Provincial grants are not even and not nearly as generous as the Federal grants which are not sufficient. I think this is your particular problem? (yes)

MR BECKETT: Well the Province feels they're making theirs through 80% in roads, 80% for welfare-they're not in the same position as the Federal Government.

MR SINGER: Nobody is in the same position when they have to take money out of their own pocket.

MR BECKETT: The Federal Government doesn't give it through roads.

MR MORROW: And about 75% of the cost of the administration of justice.

MR EVANS: In most cases the Provincial Government pays a higher subsidy on roads in these particular areas than they do make themselves, so they're receiving the money in some other way.

MR BELISLE: We have to fight...I'm referring to the north now...but we have to fight to get 60% and we have to put up a real good fight to get 65%.

MR CARTWRIGHT: Well I'm not sure of the 80%-I haven't got the figures, but the Chairman suggests the fact that it may well be so. I think it is substantially so. (chit chat re road subsidies) Well, Gentlemen, that brings us to my third point, which is Industrial Assessment. (reads, page 3, para 2) "It is axiomatic...into account." Now I've covered most of that....

MR SINGER: What would you think about sharing the total industrial assessment over the province- the whole province, or over areas?

MR CARTWRIGHT: Sharing? Well that would be the only fair way. When I speak as the solicitor for the Township of Pittsburgh, I'm all in favour of it; when I speak as solicitor for the Township of Ernestown, which is an industrial township, I'm opposed to it. (laughter)

MR BECKETT: It depends where you are.

MR SINGER: What about amalgamation or annexation of the various municipalities in the area?

MR CARTWRIGHT: Well that might be the solution although the City of Kingston would fight shy of it as far as military lands are concerned. They don't want that in.

MR MORROW: Make them pay for those bedrooms they have up there in Pittsburgh.

MR BECKETT: Has there been any annexation east of Kingston at all?

MR CARTWRIGHT: No, not east, west and north.

MR BECKETT: They took in lands that were really an asset.

MR SINGER: But isn't this problem really the result of the overflow of city people in the suburban areas. Municipalities like yours become dormitory suburbs, and you have a real tough job in making it work.

MR CARTWRIGHT: Yes, because a house, a residence is a liability in a township; and in fact the township at one time tried to limit the development to 10-acre lots, but the Municipal Board turned it down.

MR SINGER: Well it doesn't make much sense to me that you have the core city with the industrial assessment and when they spill over into the suburbs and they're trying to make a go of it. One of the answers would be to try to make an area or regional distribution of taxes.

MR CARTWRIGHT: Well that might well be the answer, your suggestion of the pooling of all the industrial assessment and redistribution; or perhaps...the Province is going to have to do it at some stage-take over a larger part of the school costs; and it might at the same time take over some of the revenue, such as the industrial taxation.

MR BECKETT: You say, Mr Cartwright, that a residence is not an asset. I suppose there are many residences in the whole Province of Ontario that actually pay their way.

MR CARTWRIGHT: Well if I understand correctly, any residence in any municipality is a liability; that is, the cost of servicing that residence is more than the revenue that comes in from that residence.

MR BECKETT: Well, Mr Cartwright, I think the Members of the Committee understand your troubles down there and the matter of using some influence to get you some assistance...to get

you some assessment....

MR CARTWRIGHT: Well the thing I'd like to see first, if possible, would be a repeal of Section 401 of the Assessment Act, that is the Section that exempts all Crown Lands, whether federal or provincial....

MR SINGER: You seem to have a promise from the Minister....

MR CARTWRIGHT: That is only for Section 94 (3) equalization, and I don't know...I haven't seen anything come through yet, but he may well have done so.

MR BECKETT: Mr Cartwright, do you feel perhaps an amendment should be that there be no exemptions?

MR CARTWRIGHT: Yes...well let me see, now the possibilities....(chit chat and jokes)

MR BECKETT: Well then just have no exemptions, and then perhaps come up with a percentage of what has been assessed, that maybe churches should pay 50% and so on.

MR CARTWRIGHT: That might be one way.

MR BECKETT: Cemeteries, universities.

MR MORROW: We're very heavily hit in the City of Ottawa with the Federal Government buildings in the same way. They take up a very large portion of our assessment and we get a grant in lieu of taxes, which is getting a little more reasonable in the last assessment.

MR CARTWRIGHT: Although a city would be in a position to discuss it, to hire experts, to have a competent legal staff. Now our township only employs me on a part-time basis; we have only one other really competent employee, and it is a poor township, so the council has felt they haven't much resource...many resources with which to buck the Federal Government, and so far they've just taken what they could get. I've been trying to persuade them to do something, but they say: You know what the Federal Government is; we'll never get anywhere.

MR MORROW: There are certain areas throughout the

country, of course that get the same thing in one way or another, Pettawawa, Trenton that have very large government installations.

MR EVANS: Mr Cartwright, supposing the Federal Government decided to do away with all the military establishments and put it back into the municipality, what then?

MR CARTWRIGHT: It would be a wonderful thing for the municipality; actually they are a headache and a liability.

MR EVANS: It would be a lot of revenue to pick up awfully fast, if they did this.

MR CARTWRIGHT: We would lose more liabilities than we would lose revenue; we've worked this out.

MR EVANS: This probably applies more to your area than say, a sandy area like Camp Borden.

MR BECKETT: Have you any idea what is done in other jurisdictions? (no) Maybe we should find out what they do in the other provinces. They might get some preferential treatment.

MR MORROW: They're more isolated in the western provinces than they are down here; these are the older establishments. (chit chat re military camps)

MR CARTWRIGHT: The thing I'd like to see, Mr Chairman, is your suggestion of no exemptions and we'd at least have a fighting chance.

MR BECKETT: Well all right. We'll take it into consideration-you made your point all right-this matter- every year we have some matter before the Private Bills Committee and what they could do ...they say: Well if a municipality wants to pass a by-law-well....

MR MORROW: Permissive only. (chit chat re case at Sault Ste Marie)

MR BECKETT: Well thank you very much, Mr Cartwright.

MR CARTWRIGHT: Thank you, Mr Chairman and Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-EIGHTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 6
Parliament Buildings
Queen's Park
Toronto, Ontario

THURSDAY,
AUGUST 16th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

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Secretary

MRS E. EATON

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Thomas D. Thomas

APPEARANCE:

J. Ralph Knox
G.A.M. Thomas
H.G. McKittrick

PRESENTATION:

BRIEF - CORPORATION OF THE CITY OF SARNIA

THE CORPORATION OF THE CITY OF SARINIAHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well, Gentlemen, we are happy to see you; we are very informal and any way you'd like to start, you may proceed.

MR KNOX: Mr Chairman, Ladies and Gentlemen, we have our Brief, and if you like we would just take the points as they appear on this sheet, the first deals with municipal elections, (reads Brief #1, 1 (a)) "Municipal elections and proceedings.....is concerned". And then the second item deals with the spoiled ballot. Now we have with us Mr Thomas who is our City Clerk, and certainly is much better qualified to speak on that than Mr McKittrick and myself, and I would like Mr Thomas to continue with this item No 1.

MR THOMAS: Gentlemen, I would like to read from our second submission, (reads Brief #2, page 1) "In referring to items 1 (a).....of the broad field" (shows booklet) This little booklet that I refer to has no official status that I'm aware of. (continues) "The reasons for our.....pertinent Acts and Sections." Gentlemen, I don't propose to read the balance of this page 2, but it does indicate the various sources where the information lies, and it also indicates a very careful search of the pertinent Sections.

MR BECKETT: And in that you've covered all the different statutes dealing with elections of any Board or...

MR THOMAS: Other legal bodies, Boards of Education, Separate School, Public School....

MR BECKETT: It's very interesting.

MR THOMAS: Now as far as 1 (a) is concerned, that is broken down into five parts, but the rest are not broken down to that extent. Now starting at the second paragraph on page 3, (reads) "In referring to item 1 (b).....with a tick or check mark." (page 2, end para 6)

MR MORROW: Right there, I might say for your information, our Clerk, Mr Lewis is revamping the Provincial Act at the present time and that is one of his recommendations, that the tick

be accepted. I've been pressing very strongly on that myself for several years, for the simple reason in one election, I counted up the number of spoiled ballots in that election that were rejected, and it was over 500 for tick marks-so I've been after that very strongly and he is recommending the tick mark be accepted.

MR BECKETT: The procedure should be the same for all elections.

MR SINGER: We had more than 1000 spoiled ballots in the last election-the last Federal election.

MR MORROW: It's very foolish, you know when clerks are so used to checking and so on-they do everything by checking.

MR SINGLER: Any real indication that a voter intends for someone should be sufficient.

MR MORROW: That's right. It's a horse and buggy procedure,

MR THOMAS: We have brought with us the provincial instructions that we give to the DROs, and (shows ballots) this is a bad ballot and this is a good one.

MR MORROW: I'm sure they're going through with that so that the check mark or tick mark is all right.

MR BECKETT: What do you think about voting machines to get away from this?

MR MORROW: Municipally, it would be beyond the expense of a municipality that might want to get them; it might be all right in the large cities, but the ordinary small townner doesn't need them.

MR BECKETT: It could be permissive though.

MR THOMAS: It is permissive now.

MR BECKETT: Yes it is permissive now; has anybody got machines? Anybody using them?

MR THOMAS: No...I guess they're too expensive.

MR COWLING: How expensive are they?

MR THOMAS: We haven't investigated that, to be honest. We've heard different people from the States where they do have them, and I gather they are quite expensive.

MR MORROW: They'd be in the realm of the IBM machines.

MR THOMAS: Maybe some arrangements could be worked out that the machines be purchased by the three levels of government.

MR BECKETT: And everybody use the same machine.

MR GORDON: Well that would be the most sensible arrangement.

MR BECKETT: It seems too bad that when a person goes to vote, just because they don't make a certain mark, they lose their vote.

MR BELISLE: What about those who don't know how to operate it and they will have to tell somebody how they want to vote, or who they want to vote for?

MR KNOX: That would be my fear, how many errors would be made in operating the machine. (chit chat re machines)

MR BECKETT: I think though if we had a uniform system of marking the ballot, that would assist.

MR KNOX: Yes, and I think too the use of a coloured pencil shouldn't be objected to, as long as they didn't draw faces on their ballots or something, so he could be identified, but a tick would never identify anybody or a green pencil.

MR MORROW: There's so many different pencils and pens today, you know.

MR COWLING: I think we should recommend, Mr Chairman, to the Federal Government that they buy the machines and all of us use the one machine.

MR BECKETT: They could rent them.

MR GORDON: I think it would be much simpler for us than the ones they use in the States, because they vote for so many more kinds of candidates- they have quite an assortment.
(chit chat re difficulties of election returns)

MR THOMAS: (continues, page 3, last para) "The foregoing..... is enclosed." That is this form. I might just add, Mr Chairman, that in this particular Brief, we've made no mention of the voting under the Liquor License Act.

MR BECKETT: We've had Briefs in connection with that-
what is your suggestion?

MR THOMAS: Well just a thought that if the municipalities are going to be required in the future to conduct liquor votes, and we presume that they will, it would be a great saving to the municipality if the Liquor License Act could be amended to provide for the taking of the vote in the same manner as provided for under the Municipal Act; in that way we would...well we had one last year, and it cost us \$12,500, and if we could have held it at the same time as our regular election, using our regular voters list with the Municipal Franchise Extension list, we would have saved a lot of money.

MR MORROW: That list is far more up to date.

MR THOMAS: Yes. As it was we had to enumerate.

MR MORROW: It cost us \$30,000 in Ottawa, and two years before that, they had one also and...

MR BECKETT: Well I think that's something for the Committee to certainly give some consideration to, to simplify it.

MR MORROW: Most certainly for the purpose of proving the names that are eligible- the list of voters- to use the last municipal list rather than the last legislative list- that's usually a little archaic, you know for the 10% of getting the names... (yes) in order to show they are eligible, they have to get 10% of the names - the voters, they have to get our old provincial lists where there was maybe an election three years ago, to check it out to see if they were on that provincial list.

MR BECKETT: You mean check each name? (yes)

MR SINGER: You wouldn't care to answer a question on the wisdom of holding votes under the Liquor License Act; Does it make sense if the government has control of the Liquor Licensing that they should determine it.

MR THOMAS: I prefer to leave that up to the elected representatives. (laughter)

MR KNOX: I think there's a point there certainly, but I think probably if it were thought out, it would probably show

that the result would be equally as good, probably better and much less expense to the municipality. They wouldn't suffer anything, I think, if they made that change. You are quite right; we're muddling in somebody else's affairs.

MR SINGLER: Well mind you, this whole thing is established by governments (yes) and you hear expressions of opinions of provincial course of action, and this is one provincial affair that many many people think is not carried out.

MR KNOX: I like to think as it says on the bottom of that page, that this is respectfully submitted. (laughter) Well if that finishes with #1, #2 and #3 deal with various matters concerned with parks and recreation, and I would like Mr McKittrick, the Administrative Assistant to the City Manager, to handle #2 and #3, if he would.

MR MCKITTICK: Perhaps, Ladies and Gentlemen, I could read it first. (reads, Brief #1, page 1, Item 2, para 3) "Amend legislation.....over these two operations." In regard to Item 2, we feel there should be some form of legislation in regard to the Department of Parks and Recreation, the Dept of Lands and Forests administer the Park Assistance Act; the Department of Agriculture administer the Community Centres Act; the Dept of Education administer Regulations from the Municipal Recreation; the Dept of Municipal Affairs administer the Planning Act and the Public Parks Act; the Dept of Travel and Publicity administer Regulations for washrooms in Tourist Parks; the Dept of Health administer Regulations on matters of Health, especially in regard to swimming pools, public showers etc. It is felt when applying for grants or requesting assistance or rulings for developing parks and recreation programs, that if some of these responsibilities were integrated into one department, that there would be less confliction of rulings and there would be a more coherent organization regarding parks and recreation programs. It would also speed up considerably the projects involving one or more of the above listed departments, if they were amalgamated.

MR KNOX: That is the end of #2. One can see if

one wants to build a community centre on the corner of a play ground in a park, there are a lot of....

MR SINGER: You have the whole machinery of government on your shoulders.

MR BECKETT: We had a Brief from the Recreation Dept of the Township of Scarborough, and they gave a list, and they quoted 15 different places.

MR MCKITTRICK: They found a few more than we did.
(laughter) Obviously there are some that couldnt be integrated, like Health possibly; and there are some that might not be able to be integrated completely but could be streamlined-for obtaining grants in particular; and for approval of plans. Now #3, (reads, page 2, para 1) "Legislation be enacted.....Weed Control Act."

MR BECKETT: Just there now, would you include termites there as well?

MR MCKITTRICK: I assume it would be a diseased tree.

MR BECKETT: It certainly is a disease.

MR COWLING: A diseased house.

MR MCKITTRICK: Oh you mean in the lumber...o no, this this wasnt the complaint about lumber...

MR MORROW: No, no it's the principle of going on the property-private property-this is the whole principle involved.

MR MCKITTRICK: This would include-I'm thinking of Sarnia in particular- this Dutch Elm disease where a golf course has a fairly large number of elm trees that are diseased; they are not willing to control them or cut them down; and consequently the disease spreads to the residential area; in referring to item three,, it is thought that legislation could be introduced along the lines of Weed Control; if on any of the municipal properties a tree is diseased or if it is dead and hazardous, notice can be given by the municipal council that the tree is to be removed within ten days at the home owners expense, or the municipality will have the authority to remove the tree, and charge the expense of removal against the property. We feel that the property owner's private rights will be

protected if the decision is made by the municipality and the owner would have the right to appear and defend his case, in case of argument. On the other hand, then in particular regard to the Dutch Elm disease, there are a great many trees which should be removed to prevent the spread of diseases, which are on private property, and over which the municipal council has no authority. The same thing can be said for dead trees which could be a hazard to the public but which are on private property. That is the end of Item Three.

MR KNOX: I think in attempting to put forward that one point there, in respect to the authority to go on private property, this is because of local argument that such a law would be an interference of individual rights, in fact, impinging heavily on property holder's rights; and of course, there is always a fine line, isn't there whether you are or not, and we felt that legislation along that line, permissive legislation along that line, would still make the process very democratic, and any individual would have a real opportunity of stating his case, if he didn't believe his tree was diseased; if he didn't believe it was a hazardous tree, or for any other reason; if he didn't want municipal employees coming on, he would have a chance to put forward his case. Also, if the authority were vested in a municipal body, it's hardly likely that some officious person, who might like to go around telling people what they ought to do or not to do, would not be able to operate. Because surely, in any municipal body, you would hardly get everybody on there who would be officious people, people who want to tell people what they must do, and not do without regard for their rights.

MR BECKETT: There are several officials of a municipality who have the right to enter property, the Assessor, Health Officer.

MR MCKITTRICK: The Building Inspector can go on.

MR KNOX: Yes, he can go on, but this is perhaps going a little farther, because it's actually taking something away. But there are cases of trees...examining just at the property line, that are very dangerous, and the property owner says: Don't touch it.

MR MORROW: How are they getting by now with the

Highway Department in regard to hedges that run close to the highway, and curbs and so on?

MR BELISLE: How did they get along? Did they expropriate them or what? They cut them down, anyway.

MR BECKETT: Mr Taylor will tell you about that.

MR TAYLOR: There's an agreement with the owner; and most of them are boulevards.

MR MORROW: I've seen the highways cut down cedar hedges on properties that were causing snow banks.

MR KNOX: In our municipality, they would have to have an agreement with the owner.

MR MORROW: Yes, they reach an agreement-a mutual agreement. (chit chat re instances of acts by Highway Dept)

MR THOMAS D. THOMAS: Can't you regulate the height of them by by-law of the local council.

MR KNOX: No, by agreement but not by by-law.

MR MCKITTRICK: If we went in and cut a hedge to the required height, we would have to recompense the owner for any property damage.

MR THOMAS D. THOMAS: If it's a traffic hazard? (yes)

MR MCNEIL: What about weeds? (yes) I saw where a place near the City of Windsor, they cut the weeds and the farmer claimed that they cut \$500 worth of alfalfa. (laughter and chit chat)

MR KNOX: This Section of the Act which we have just turned up here, does give you the power to do those things, but it is by agreement- 467.

MR BECKETT: How does 467 read?

MR TAYLOR: Council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any highway.....for the removal or alteration of any tree, bush, hedge, fence, signboard or any other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway approaching the intersection. That's is subsection 1; now subsection 2, If the council is unable to make an agreement provided for in

subsection 1, it may apply to a judge of the county court of the county in which the land is situate for an order compelling the removal or alteration of any object in respect to which the application is made; upon such notice to the owner, the land affected and the judge can made an order, subject to the payment of such compensation and upon such other conditions as he may fix compelling the owner of the land to remove or alter the objects or authorizing the municipal corporation to remove or alter the same for that purpose.

MR BECKETT: That's all on private property.

MR TAYLOR: Yes, and it's written the same thing on railways.

MR MORROW: So you can get an order from the judge.

MR KNOX: We'll continue then with Item 4 in our submission to you. (reads) "Very often buildings.....answer." And in regard to Item 4, we have a number of pictures which we would like to present to illustrate the type of building which substantially lowers the value of the adjacent property if the abutting property maintains his own property in a proper manner. And I have some 13 pictures, which I will give to you.

MR BECKETT: We've had other Briefs on this same thing.

MR KNOX: Well perhaps then I went stop to speak on these.

MR BECKETT: Please do- speak on them.

MR KNOX: No 1 is a house condemned by the Health Unit in 1961, and the owner has taken no steps to improve the property or have the placard removed. No 2 is a property that was in bad shape for years; the owner promised to repair the building, but did nothing. When the house was vacated by the tenants in May, 1961, it was placarded, and the owner has made no attempt since to repair the building. The verandah is quite unsafe, and the house has not been painted in more than 11 years. The heating system is condemned by the Union Gas Company, and the plumbing is defective. But there the house stands.

MR BECKETT: What effect would it have if the land assessment...if there was machinery whereby you increased the land assessment?

MR KNOX: This is something I believe was attempted and may still be as far as I know in parts of England; it certainly would be an effective measure.

MR BECKETT: The result would be that they would take those buildings down and make some better use of the land.

MR KNOX: No 3, this house was condemned by the Health Unit in October, 1960, and in spite of much complaint, the owner has made no attempt to improve or demolish his building. No 4, is a house condemned in September, 1958, and the owner has made no attempt to repair or demolish the house. The appearance is most objectionable.

MR BECKETT: Are these photos taken as of now?

MR KNOX: Yes, within the last three weeks. No 5 is a house vacant since 1951, the verandah fell off in 1956; the property is an estate without a will, and the family will not agree on a settlement. The house was placarded in July, 1958 in an attempt to get some action; the neighbours have complained bitterly about this for at least 10 years.

MR BECKETT: Have the people owning the adjoining property appealed their assessment?

MR KNOX: Yes, this has happened. This next one, the present address of the owner of this property is unknown, and the house is filled with old furniture, cartons of clothes and papers. Both house and lot are the cause of many complaints at city hall, and the house has been unoccupied for two years. This one is a house, unoccupied for several years; the owner is disinterested, says the mortgage is greater than the sale value of the house. The mortgage holder is taking no action. The house was damaged by fire in 1960, while unoccupied; cause unknown. It's been vacant since 1959. This was a basement dwelling erected prior to annexation- the annexation was 1951. The owner abandoned his family here and his address is unknown. The family was relocated by the Welfare Dept, and the quarters condemned in July 1961.

MR THOMAS D. THOMAS: Are most of these houses in the annexed

area?

MR KNOX: No Sir, I would say these are spread throughout the city- I know by the addresses. Some of them are in the original city, some are in the annexed area-it's not one against the other or anything like that. This is condemned by the Lambton Health Unit in January, 1956; this is in the annexed part too. The house sits on a good lot, with good quality houses on each side; the owner has made no attempt to demolish the building or make it acceptable.

MR GORDON: In cases of this kind where the owner is unknown, in three years could you take it for taxes?

MR KNOX: That may be one solution to some of these. Now this one- this is in the old part of the city, the house has been vacant for one year; the owner lives in Detroit. The house was damaged by vandalism and the owner has no plans to renovate the building. The next is one very similar, in fact I think it is right along side of it. The tenants moved out because the owner refused to repair the building. The verandah and roofs are in bad shape. Attempts have been made for ten years to get the owner to repair the building; it was placarded in July, 1962 when vacated. This building is small; it's in an area where pretty good houses are, and it sits on a good lot beside a good house, and it's unoccupied and it's been placarded for several years.

MR GORDON: Well they must be paying taxes for that.

MR KNOX: Yes, I presume so. This was once a store and the area was zoned as residential in 1956. The building has not been occupied for ten years, except for one year as a Sunday School. It's closer to the street than the residential setback, and the owner is taking no action.

MR BLCKETT: Does the city get applications for appeal in these properties?

MR KNOX: Yes, very often; not only this kind, but the kind referred to in our No 6 here, where the people who live along side..eventually there is nothing they can do at all except appeal their assessment. It's the last thing they have and sometimes

this is granted too, simply because here is a situation that is very bad for them and it's obviously detracting from the value of their home, but what can you do-the appeal is granted in many cases.

MR BECKETT: By the Courts of Revision?

MR KNOX: Yes, by the Court of Revision.

MR BECKETT: How is your Court of Revision made up in Sarnia.

MR THOMAS: There's the Sheriff, one man appointed by council, one man appointed by the Mayor-three members.

MR KNOX: As our Brief states, a number of times we have buildings gutted by fires but which the owners allow to remain standing for several years, even though it is an eyesore and it detracts from the neighbourhood appearance. We had one in the downtown area- I don't remember now how long it was there, but it seems to me a couple of years- right in the heart of downtown. We couldn't do anything. We had the Fire Marshal down and we did everything we could possibly think of; we could do nothing. What eventually happened was to get authority to put up a bill board there. It was the best we could do. We also have dwellings that are tied up in estates where the executors of the estates refuse to take any action to keep the building in a reasonable condition. Authority to act in these cases would encourage people to demolish valueless buildings. In addition to its effect on property values, here it would also have a social value. I particularly refer to assaults on children conducted in unused buildings in London within the last year. In this case, we would once again recommend that the onus be placed on municipal council to decide whether it would be desirable to have the building renovated or removed, as this would once again place the matter in the democratic process of public debate, and give an opportunity to the persons involved to present their case publicly.

MR BECKETT: Would you suggest then it might be permissive legislation. (yes)

MR THOMAS: I would just like to say, Mr Chairman that the City of Peterborough had a particular problem with one home in a good residential district; and eventually they just got a Pri-

vate Bill put through the Provincial Legislature--this was two years ago-- that did allow them to do this very thing that we're suggesting here.

MR KNOX: Item 5 (reads) "There appears to be no control.....to people." Now we feel this is pretty self explanatory; we point out however that most of these tar pots are fuelled by propane gas, and so there is a dual hazard, if there is an accident; that is, the hazard of fire, and the hazard of molten tar. We're not very sure what we're asking for here, or rather just what could be done. Couldn't we just point out the condition that these tar pots can be trailed through traffic of all sorts and through all sorts of residential districts or heavy downtown traffic, rush hour traffic or anything. And there is a very great danger without any control.

MR BECKETT: You might class it in the same class as explosives, and regulate it this way.

MR KNOX: Yes. Now No 6 is very much like No 4-- (reads) "Untidy housekeeping.....to the land." And of course, I've mentioned just a few things, but as you know, they throw out dishes, and mattresses where rats and mice gather, dismantled cars in the back yard, and nobody can touch them at all. But this is a place where people are living and that is where it is different from No 4.

MR BECKETT: There is authority to clean up vacant lots in the Municipal Act.

MR KNOX: Yes, but these are not vacant lots; this is where people are living. I have just the one set of pictures, taken, I think, yesterday, and they're not captioned at all, but they speak for themselves. If you will just pass them around to see. These are actual yards where people are living.

MR BECKETT: It's quite a problem to legislate how people should live, and you use the word "housekeeping"...

MR KNOX: And we do get a lot of complaints on our council about this sort of thing; we receive numerous complaints about contractors piling bricks and broken rubble and mortar and so on, on vacant lots on residential areas too. There are also private housekeepers who fill their back yards with bedsprings, wire, matt-

resses, old car bodies, steel barrels, etc, which are detrimental to the looks of the neighbourhood, and irritating to the neighbours; and on this particular type of complaint, we do get a number of appeals to the Court of Revision for reduction in assessment, which is sometimes granted. In this case, I'm sure the property owner appealing would far rather have a clean, neat neighbourhood than a reduction in assessment. But this is his only method of registering a complaint about the condition in his neighbourhood; and certainly I would say the appeal is not the first thing that is made; it's always the last thing. He tried to get something done first and cannot.

MR BECKETT: Any questions on this before we go on? Any ideas or comment on that matter of trying to legislate how people keep their properties. There is authorities for vacant lots, but this is a different matter.

MR THOMAS: Could I speak to that for a moment? (yes) Mr Chairman, that's under Paragraph 68 of Section 379. We asked our solicitor here some time ago if he could prepare a by-law for us to compel people to clean up lots; and he felt from the way this Section read, and the fact that it was under the Health, Sanitation and Safety Section of the Municipal Act, that it would be very doubtful if he could make a by-law stick. Now we inquired of other municipalities, and to date we havent found or heard of any that have a by-law under this Section. There may be some we havent heard of, but we dont know of any.

MR KNOX: Did not some of them reply also that they felt that they couldnt make a bylaw stick.

MR BECKLTT: You made a little survey, did you? (yes) How does the Section read?

MR TAYLOR: "For requiring and regulating and filling up, draining, cleaning, clearing of any ground, yard and vacant lots, and the alternate relaying or repairing of private drains."

MR THOMAS: Our solicitor felt that this related more to the drainage than it was for the purpose we wanted to use it. And you'd have to prove there was a health hazard before you

could do anything at all, whereas broken car bodies and bed springs wont be a health hazard. If that Section could be enlarged upon, it would be of great benefit.

MR BECKETT: To include all property?

MR THOMAS: Yes, and to include all sorts of cleaning up.

MR BECKETT: I dont know whether that's ever been tested in court.

MR TAYLOR: Well as you know, Mr Chairman, the Township of Scarborough has a by-law under that Section, although when I ran into it, oh within the last month, I would say, but they havent been enforcing it to its utmost. It involved a large fallen chimney; but that was a question of safety. When it came to the rubble around the foundation, they seemed to treat that a little differently. They are hesitant about enforcing that sort of thing.

MR MCKITTRICK: It's not too clear.

MR THOMAS: We've had many complaints on this very Section and we have them every year.

MR KNOX: It's a common one. Now, No 7, (reads) "The Highway Traffic Act allows.....at the same time." This was pointed up at home because of the specific problem on a traffic artery that is in a residential section of the city, where the local residents bitterly complain about the noise and vibration of the heavy trucks, but do not object to other motor vehicles. This road, in particular has been the cause of some structural damage to adjacent houses because of the heavy trucks going at excessive speeds, whereas other motor vehicles do not cause this excessive vibration. On this particular artery, if legislation permitted, we could allow motor vehicles to go at a speed of 35 or 40 miles per hour, as it is 100 ft pavement; but we have had to reduce the speed of all vehicles to 25 miles per hour on account of the vibration factor with respect to the heavy trucks. And it is rather ridiculous on this particular road to have a speed limit of 25 m.p.h., yet the heavy trucks, and it is used by two trucking companies who are situated at the foot of this street, and they have no other way out- have to use this street

at the moment. In the next couple of years, they may have, but not at the moment; and we propose to leave this at 25 m.p.h. until that situation can be corrected, because there is definite damage being done by the heavy trucks to the houses in this area. We did try, you see, to lower the speed of the trucks only, and the Dept of Highways informed us that we couldnt discriminate. And yet it is done on the highways as you all know-you've seen signs many times-speed limit 60, trucks-50, but we couldnt do it.

MR COWLING: Mr Chairman, I certainly support this, and it's something I've talked about in all the years that I've been here, that the municipalities should be able to regulate the speed limit within their municipality. Now I could never understand why a Dept of Transport has authority to regulate speed within municipal territory. Because after all there are certain local conditions that the municipal people are much more familiar with than our Dept of Transport. If they felt that it would be better and safer for the citizens to adjust the speed limit in a certain area, then I think you should have permission to do it; and I would support this thing. As a matter of fact, I've said right along that certain streets in school areas and what not, you should be able to cut it down to 15 m.p.h. if the local council in the area feels that it's justified.

MR EVANS: Are you talking about all streets?

MR COWLING: I'm talking about all streets within the municipality.

MR SINGER: Let's be practical.

MR EVANS: The highways in the Province?

MR COWLING: I dont care what they are-I say the local council should have permission to regulate speed within their local area.

MR BECKETT: But they do not license these speeds.

MR COWLING: That's right.

MR SINGER: So you're travelling along the highway and you hit Bodunk, Ontario and you have to slow down to 5 m.p.h.

MR COWLING: You're damn right. I certainly agree

with that; and I think the sooner we get around to that the better. In the interest of safety and cutting down traffic accidents, that is certainly the way to do it.

MR THOMAS D. THOMAS: How long did you say you've been on this?

MR COWLING: 12 years. So this idea of you being able to regulate this thing, I'd say OK. (chit chat)

MR THOMAS: Mr Chairman, under the regulations of the Highway Traffic Act, the Minister can reduce the speed for trucks, and we would like to have the same privilege.

MR EVANS: Well there must be a reason why they reduce the speed of trucks on the highway.

MR KNOX: Well, Sir, this is the end of our presentation.

MR BECKETT: Well thank you very much; we've had a good many Briefs in the nearly year and a half- many of them on business assessments, the categories and so on.

MR COWLING: Mr Chairman, just before the delegation leaves, you have a City Manager in Sarnia. I wonder if the Alderman would like to comment on that. There has been many many things said about city managers, both for and against. We've discussed the possibility of having one here in Toronto, and I wonder if you'd like to say what you think about the city manager as an elected alderman.

MR KNOX: Well I have not been an alderman when there was not a city manager; but I have been quite familiar with the process, and I have been in close association with those who have worked in the municipal government when there was no city manager. But I don't think that anyone in our council at the moment or anyone who has sat on council since we got a city manager would care to work under the other system. This, of course, is a city of 50,000 people. It's going to be quite different in a large area like Toronto; nevertheless I'm still just talking about our own area. It works beautifully; it leaves the setting of policy for the council. This is their job and their only job except to see that the administration under the city manager is carried out according to the policy. And it

leaves them much freer, free of small cumbersome detail, and a great deal of freedom from trying to appear as experts where they are not. We have these in the administration-people to whom they can refer, from whom we can get reports, and when a matter comes to the council on any question, whether it's financial, sewers or water or whatever it is, they are acting as a committee of the whole, and all are equally informed at all times. We operate much quicker. We can cover in one council meeting what those who come to visit us from outside centres say an amazing amount of work, and it tends to stop interference from elected people with administrative personnel, because we take everything through the city manager.

MR BECKETT: It separates the administrative from the legislative.

MR KNOX: Yes it does. And I just can't conceive of a city of that size not having a city manager.

MR COWLING: Are the duties of the city manager and the city clerk well defined? Is there any overlapping?

MR KNOX: Yes when you say well defined, I would say yes; when you talk about overlapping, it is always a difficult thing to draw a line between administration and policy that's a pure white line, but it's pretty pure; and I would imagine the same thing exists between the city clerk and the city manager. The city clerk is here.

MR THOMAS: I worked under both systems, Mr Chairman; before coming to Sarnia, I was five years deputy in Peterborough, and then with the Assessment Department before that. In Peterborough, we had the council committee form of government, and speaking frankly, I'd much prefer the city management form of government. As far as the overlapping of duties are concerned, we have no difficulty whatsoever, because there is a very close contact between us.

MR BECKETT: Are the duties of a city manager set out in a by-law.

MR THOMAS: Yes they are. And it's a very simple

bylaw too.

MR THOMAS D. THOMAS: Was one of the reasons for the appointment of the city manager in 1951-52 in Sarnia because of the many problems encountered through annexation?

MR KNOX: I think that focussed it, yes. And I think a fumbling sort of organization too, and we needed somebody to really get the thing set on its feet, with some real plans.

MR BECKETT: Did they vote on it?

MR KNOX: Yes, and then a Private Bill came in.

MR THOMAS: Fort Huron across the river has a city manager form of government and has had for several years.

MR BECKETT: Were the salaries set out in the by-law?

MR KNOX: I read that by-law within the last week, my memory is it is not.

MR SINGER: He would be the senior civil servant? And the highest paid? (yes)

MR BECKETT: But the by-law wouldnt state that?

MR KNOX: No. It's council's policy. Theoretically at any rate-I dont ask the city clerk for information, I ask the city manager; he may get it from the city clerk or from some place else-this is his business. I just ask him for it and he produces it for me. In practice, in a minor thing, I know I'm not hurting Mr Gifford's feelings if I go directly to the city clerk, and get it; but I wouldnt think of taking anything contentious to the city clerk-I'd go to the city manager. He is responsible to council for the whole staff.

MR BECKETT: Like the Board of Control?

MR KNOX: Except he doesnt set any policy.

MR BECKETT: Any further questions? Well the Members appreciate your coming down and your very informative Brief. We will take it all into consideration.

MR KNOX: Well, Sir, I would like to say, if I may, we were very impressed by this idea of this Committee being set up, and I want to thank you for your sympathetic hearing and your

patience with our problems. And I must say this gives us great heart in the hinterlands to think that something is going to be done; and that possibly some of the problems that we have encountered just here, may find a solution through this. I want to say further that we thoroughly believe in this approach and are most appreciative. Thank you very much.

MR BECKETT: Thank you, Mr Knox and Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-EIGHTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 6
Parliament Buildings
Queen's Park
Toronto, Ontario

FRIDAY,
AUGUST 17th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS. H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

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Alfred H. Cowling
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Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

Mayor Scott - Paris
Mayor Parish - Ajax
Mayor Heenan - Cobourg
Mayor Kennedy - Deep River

PRESENTATION:

BRIEF - ONTARIO MUNICIPAL ASSOCIATION - TOWN & VILLAGE
SECTION

ONTARIO MUNICIPAL ASSOCIATION - TOWN AND VILLAGE SECTION

HOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well Gentlemen, are you all here, Mayor Scott would you like to start off.

MAYOR SCOTT: Mr Chairman, I would like to say first, we appreciate the opportunity you have given us to appear before your Committee to present our Brief. I'm going to be very brief on this Brief. I'm speaking as one who has long experience both in county and in local municipal life, starting away back in 1929 I was not a continuous member-I've had many defeats and had many elections. I think myself that the time has certainly come for a thorough study for the changes that should be made in the county form of government. I don't think, and I'm pretty sure of this, all this administration that we have got is needed.

MR SINGER: Here here. (laughter)

MR SCOTT: The question, I think, that's facing us, is how much more revenue the present form of taxation can produce. One of the most, I think, unfair crushing obligations is the county and suburban roads. We are told we have to provide thousands more jobs in the next few years. How are we going to provide those jobs? The high taxation is a great drawback on industrial development. We have been told in the past in various meetings that we were foolish to pass resolutions to change the system without suggesting substitute means. Now we have, at many times, suggested means, but they have been passed over. In my opinion, the county councils have now outlived their original usefulness. The set-up could be used, in my opinion, to a certain extent as a clearing house, maybe for the administration of justice and various other matters in connection with the county. But if you really want to make a saving for the ratepayers, in my opinion, the suburban roads and county roads system, if it was taken entirely out of the county, we would be making a move in the right direction for economy.

MR BECKETT: And where would you put it, Mr Mayor?

MR SCOTT: I would suggest, Mr Chairman, as I suggested years ago, that the suburban roads be taken as secondary roads by the Dept of Highways; the county roads be given back to the municipalities; because any of you who have served, and I guess some of you gentlemen here have served on the county council...

MR BECKETT: Very few of them have not...we have two ex-Wardens sitting right here.

MR SCOTT: Well you know there is a little difference in various counties. Now our county is a very small county and the question of roads is, shall we say, divorced entirely from the regular county council. For instance the Road Committee and Suburban Roads meet separately; all accounts are passed separately in the county council, and the Warden signs no cheques for the roads or the suburban roads-it's just that one committee. And we, as an urban municipality, sit on that county council, we, in our county, have three votes. We're licked before we start. I've brought up questions there-I remember quite a number of years back, I wanted to bring in a resolution asking the county council to give the town of Paris a rebate, which was the common thing at that time. I made out the resolution and I sent it all around the table, and nobody would second it. My Reeve, who happened to be Warden at the time, was a retired farmer, and I asked him if he would vacate the Chair for a few moments to second this resolution; and he refused. I couldnt even get a seconder. Now years ago, the county form of government was the logical thing, but with the rapid changes with communication, transportation facilities and so on, I think it's a thing of the past. We pay 24% of the county costs in our county, and we have very little say.

MR BECKETT: What do you get back for your 24%?

MR SCOTT: To answer that question, Mr Chairman, I'd like to refer you back to an appearance we had here before the Special Committee asking for a Private Bill to be passed to separate from the county for municipal purposes.

MR BECKETT: I well remember that, and most of us sat

on that Committee.

MR SCOTT: And if you remember too, that the Hon Mr Nickle asked the Warden of Brant County-he said the Town of Paris pays so much money into the county...now just what do they get back for that? And the Warden gave the only answer he possibly could, if you remember, Sir, the answer was: Nothing.

MR BECKETT: You must get some administration of justice.

MR SCOTT: Well we would do that. But he said we weren't in the county the same as the City of Brantford.

MR EVANS: Don't you get health and welfare services which you get higher grants on?

MR SCOTT: I doubt it very much. We had our auditors make a study of that and I have a copy here, if you want it. But consider everything, where we would pay more if we were separated from the county and so forth, we would have a saving at that time, that was in 1952, of a mill and a half.

MR BECKETT: You'd be 1½ mills ahead? What's that in dollars?

MR SCOTT: In our county, it's only around \$6000; but even then that's quite a saving for a small town.

MR EVANS: On county roads, you don't get any rebate at all?

MR SCOTT: Oh yes, we get a rebate of 50%, but we have no county roads in the town and no suburban roads; and I think I would be safe in saying that if you take over the last ten years, I doubt if they have spent \$1,000 in the Town of Paris.

MR THOMAS: And you have no suburban roads leading into Paris? (no)

MR EVANS: Any county roads close by?

MR SCOTT: Oh, yes they're close by.

MR EVANS: Do they do Paris any good?

MR SCOTT: No, no. I think the majority of business done on county roads, and I think Mr Gordon would have to agree, is the City of Brantford.

MR BECKETT: Don't any of the roads come right to your

boundary on the county limit?

MR SCOTT: No, I don't know of any that do—they come to the outskirts of the town.

MR BECKETT: That's the reason you get your rebate of 50%. What's the county levy for suburban roads and roads?

MR SCOTT: We match what is put up by the City of Brantford. The city had to put up to half a mill, which in the City of Brantford is \$26,000; so we have to put up \$26,000. If we given the same treatment as the cities and our donation to county and suburban roads was $\frac{1}{2}$ mill, we'd be perfectly happy. But at the present time, we're paying over \$25,000 towards roads, and the City of Brantford put up somewhere around \$26,000.

MR EVANS: Could the City of Paris live actually if they put a fence around it without the outside community, as far as business is concerned.

MR SCOTT: Sir, when we asked for separation, we stated then it was just for municipal purposes only. We could still be very good friends and good neighbours. I'm sure of that.

MR EVANS: But don't you think that county roads contribute an awful lot to city and town, to bring people in to their towns. And don't you think the cities should contribute a little bit to the roads to keep them up?

MR SCOTT: Yes, absolutely. But do you think it's fair that a tax payer in the town of Paris...take the area as a whole, the City of Brantford, if I remember correctly, contributes about 50¢ per capita; in the town of Paris it's over \$3.00. Do you think that's fair? I firmly believe that if everybody was put on the same footing, if we were limited to $\frac{1}{2}$ mills the same as the cities, and if we found out they couldn't do it on that $\frac{1}{2}$ mill, and say they asked for 1 mill, we'd be perfectly happy to pay it, because everybody would be on the same basis and all would share the increase.

MR EVANS: Did you ever think of doing the opposite of what you were speaking about, doing away with local municipalities

and working through the county.

MR SCOTT: I dint know that that would work; if you do that you're taking the government away from the grass roots of the people. I mean to say, we live in a small town...

MR EVANS: I live in a small town too.

MR SCOTT: Well you know, you get to know everyone, and the people know the members of the council; but if you have a county council running these things, they'd be far away from the people, and I dont think they would give the same service.

MR BECKETT: How about planning- can it be done in a larger unit?

MR SCOTT: I believe planning should be done on the regional unit.

MR SINGER: Is it going to be practical, Mr Mayor, on the regional basis, if you havent got regional administration? You have regional planning decisions and then you have 6 or 8 or 10 or 30 different jurisdictions that have to pass on it. You know how difficult it is to get even two different municipalities to agree on it.

MR EVANS: Why I mentioned that-there are a lot of small townships which have councils-some of them with part time clerks; it might be better if it were larger units than a whole lot of small ones.

MR SCOTT: Well it might be, if you did away with quite a number of them and I remember Mr Singer making a speech, and telling us that there were nearly 1000 municipal councils and some 4000 school boards plus different commissions and boards. Well all those cost money. And we all worry about the saving of money or we should be, and we will in some way have to put a curb on this taxation; otherwise you're certainly not going to get industry into townships; the first thing they ask- I invited an industrial commission to own town, and the first thing they asked: What is your mill rate? What services have you got? What services can you provide us and so forth. At the present time, we cant promise to provide

anything. We're in the midst of putting in a sewage system, which we asked the Municipal Board for approval of \$1,800,000 and they cut us down to \$800,000; so if the Municipal Board wont let us put in a complete system, and we actually need it, what chance have we got to provide any other services?

MR THOMAS: Where would the Ontario Water Resources Commission come in on this one?

MR SCOTT: They work with the Municipal Board, Sir.

MR THOMAS: They were prepared to support you on the \$1,800,000.

MR SCOTT: They supported us strongly, but nothing doing.

MR BECKETT: Would that proposed system be large enough to take in the suburbs?

MR SCOTT: The \$1,800,000 would have.

MR BECKETT: Then if you had a larger unit of government, it would benefit a lot more people; it would have a larger taxing area.

MR SCOTT: The only way to get that would be annexation.

MR BELISLE: What percentage of your assessment is already debentured?

MR SCOTT: We have a debenture debt of over \$1,000,000 at the present time.

MR BELISLE: What's your total assessment?

MR SCOTT: Just over \$6 million; between \$6-7 million-I'm not certain of that figure. I didnt bring the financial statement with me.

MR BELISLE: The sewage disposal plant; is that just a primary plant now?

MR SCOTT: Oh no--complete but it can be extended in years to come, but with the cost of education and so forth, what hopes have we got of cutting down the debentures, and that's what the Municipal Board knows. When you can come up with more assessment; when you can pay up more debentures, you can come back to the Municipal Board. The way I see it, that may be 20 years from

from now.

MR BELISLE: I had an experience like that, Sir, three years ago the Municipal Board said to the Town of Chamesford, we will only approve \$200,000, two years ago we went back and they approved another \$80,000; last year we went back, and this year we are back in front of them, and we're inclined to think they will give the final approval of what we were asking at the beginning.

MR BECKETT: And what was the debt there?

MR BELISLE: The debt was 24% of the assessment.
(chit chat re experiences)

MR BECKETT: Mr Mayor, would you like to just carry on.

MR SCOTT: I dont think I can say much more, Mr Chairman. I think I'd be repeating myself. I think the main point I have brought down:-we think the time has come for a change. I havent got the solution to what it will be; all I know with my many years of experience-maybe not so many as Mr Gordon-but quite a number, I've been trying to fight the high cost of taxation; and I have seen and I dont like to say it, but it is the truth, I have seen money wasted in county council-there's no question about it. And you take the county road system, I dont think it's needed. I think you should give those roads back to the municipalities, and say to the municipalities, there you are, carry on. When we got our rebate, this is a point I forgot to mention, we went to the county and said: We'd like our 50% rebate. The answer was: All right we'll give you 50% rebate if you will sign an agreement-we had a few county roads at that time that went through the Town of Paris- if you will sign an agreement taking back those roads from the county system, thereby leaving us with no county roads, we will give you 50% rebate. Now in my opinion to collect \$26,000 from a municipality with the intention of giving it back-I cant see the sense of it.

MR BECKETT: You talk, Mr Mayor, about high taxes, the high cost of roads and government, have you given any consideration on how to cut down and conserve money; some way to relieve the tax figures?

MR SCOTT: Well that one suggestion I've made, Sir it would certainly be quite a saving, if you give those county roads back to the municipality, and the suburban roads to the secondary highways. There's no need for those bodies; it costs money and they do a good job, the Suburban Road Commissioner, but it costs a lot of money to operate. The same with the county road system. You have men on there that are doing a good job; at the same time, it costs a lot of money to operate.

MR EVANS: I think the situation varies from one county to another, because I know of counties where it wouldn't be possible for the township unless the grants were increased to keep up these roads. It's something like main artery roads. It probably doesn't carry as much traffic as the highway, but they lead into a lot of towns and serve a lot of towns. With the 50% subsidies, would they keep those roads up? I don't think so and I think somebody would have to help pay for them.

MR THOMAS: Mr Chairman, I wonder if Mr Scott knows what percentage of the amount of revenue received by the county is spent on the county roads in your area particularly?

MR SCOTT: I'm sorry, Sir, I haven't got that.

MR EVANS: Well I know what Simcoe County spent - about 4 mills on roads and 6 for general purposes.

MR SCOTT: Oh, I see what you mean, the exact amount we pay to the county at the present time is \$60,000 and I believe it is about 50-50, \$30,000 for roads and \$30,000 for general purposes. I'm pretty sure that's about right.

MR BECKETT: You pay 10 mills then.

MR EVANS: And you get 50% back on the \$30,000?

MR SCOTT: Yes, that's \$15,000 we get back.

MR BECKETT: What's your total mill rate in the city?

MR SCOTT: I'm sorry I can't give it - I haven't it with me.

MR BECKETT: Thank you very much Mr Mayor, we'll take that into consideration.

MR SCOTT: Thank you, Gentlemen.

MR BECKETT: Now Mr Heenan, you're the Mayor of Cobourg and you are supporting the Brief of the Ontario Municipal Association.

MR HEENAN: Yes, Mr Chairman, and what I have to say won't take very long. I would like to say I support Mayor Scott and Mayor Parish whole heartedly in their presentations; there is one point that I think they missed, and that is your recent legislation put through by the Legislative Assembly of the Province whereby the county can now attach the grant in lieu of taxes; and I think that this is one of the most undemocratic pieces of legislation I have ever witnessed, because...well I'll take my town and the others are the same- I've heard the complaint from various ones-we have a military installation called 26th Central Ordnance Depot. We put in an \$80,000 sewer; we put in new roads. We brought the Depot in there, and now we have to give to the county on the county rate \$42,000 a year. They have their own health service, their own court martial; their own judicial. The Town of Cobourg supplies all the services of every kind-it's well within the town limits, yet we have to pay the county \$42,000.

MR BECKETT: Did you pay the capital debt of those services? (oh yes) And you get in lieu of taxes \$42,000?

MR HEENAN: We get \$180,000 from the federal, of which now, under the new legislation, we must pay the county \$42,000.

MR SINGER: You are expressing the feeling of a delegation we heard yesterday from the Township of Pittsburgh, just outside of Kingston who had a similar problem. The county does nothing for this money?

MR HEENAN: Nothing-supplies no service whatever, yet our levy to the county has gone up \$42,000 in one year.

MR BECKETT: What would be the situation if that was private industry?

MR HEENAN: Well the county benefits-I think Mayor Parish put it very well; we compete with each other for industrial assessment; and we have from \$6-8½ million in new industry coming

into Cobourg in the next 24 months; we're very fortunate, but you must remember on that industrial assessment, we are also taxed by county levy, so the other municipalities in the County of Durham benefit by our industrial assessment. It doesn't just benefit Cobourg.

MR EVANS: Dont you think the situations vary from one place to another? I think I mentioned yesterday here that the Township of Essex in Simcoe County which has Camp Borden, has the same problem that you have. They have to pay at the county level a levy on the equalized assessment. They took it to court and they have agreed to pay them. And of course as you've said, the legislation has come in. But they do use roads in that particular area- all the township roads and the county roads run there, and the county health services that area too.

MR HEENAN: I agree with you and there is one point too, that we deal strictly in an economic area; we have the Township of Allanwick which has a \$700,000 assessment, one of the smallest townships in the province. Our assessment is about \$14 million, so we realize that we must help Allanwick, Hamilton and Haldimand Township which are in our economic area. We don't just deal within our town boundaries. But you must remember, Sir, that we also supply 80% of the job opportunities to the labourers of those three municipalities. We give them the right to work-job opportunities; so we do something there in supporting them as well as paying our levy. And we would do nothing legislative-wise that would injure anyone in our economic area. But the grant in lieu of taxes that the county levies for no service whatever, we don't feel is right. We figure now that we're paying \$3 for every—I believe it works out to every 60¢ service to the town—this is pretty expensive service, and it's this \$42,000, of which no service is given by the county to an army installation.

MR BELISLE Have you tried refusing to pay it?

MR HEENAN: I think it would cost us more in legal fees than what we pay.

MR EVANS: There was a test case in Essex Township and they were forced to pay it.

MR HEENAN: Yes, they were forced to pay it.

MR EVANS: One other thing on this money, this levy that you pay to the county; now you don't receive your money until next year; do you have to borrow money in order to pay this county levy?

MR HEENAN: No, we have an agreement with them, and they base all this on one year behind. Their grant in lieu of taxes comes just about up to what the assessment is, and our grant this year was \$186,000 from the Federal Government, and next year will be based on this year's grant.

MR BELLISLE: Would that be 50%? In percentage what would it be if you were permitted to assess?

MR HEENAN: You hit it just about on the nose. But then we lose a very choice part of our town—it is tax free to the Provincial Boys Training School; it takes a great deal of the main street on the north side at the east end of town where there are large American homes and is one of our most lucrative sources of taxation and we've lost that completely to the Provincial Government,

MR BECKETT: And there's no payment there in lieu of taxes.

MR HEENAN: No, sir. We don't want them to move or anything, but on the other hand, we feel that with the Ontario Hospital which is also provincial there, and the Training School, and to then be hit for \$42,000 on our grant from the government and no services whatever...our landowners, especially those on old age pension, are being taxed out of existence. They are forced to rent.

MR MORROW: As a matter of curiosity what taxes did you lose on the American homes that existed there.

MR HEENAN: On the four that you have at the present time, we would lose about 1 mill. Our assessment is about \$14 million and our per capita debt which you were interested in, is 16% of our assessment. We'd like to have it down to 11%.

MR MORROW: You lose about \$3500 taxes (yes)

MR BECKETT: Anything else you'd like to say?

MR HEENAN: Except thank you very much.

MR BECKETT: We appreciate very much your coming.

MR SCOTT: May I say a word here? Mr Chairman, you suggested here this morning about a Research Team be set up, now I had it in my notes and I was scared to mention it- I didnt have it in those words.

MR BECKETT: You dont need to be afraid of anything here.

MR SCOTT: What I feel is this I know you Gentlemen on this Committee are the same as the municipal council; you have your own work to do and are tied up with all kinds of problems and I dont think that you can give the time that you would like to give to this problem; and the reason I didnt bring that up-I thought it might be considered a mild insult to you gentlemen. But if you gentlemen have no objection, I will most certainly bring a motion up at the OMA suggesting that the Provincial Government appoint such a team to make a thorough study.

MR BECKETT: We thought you might appoint one yourselves.

MR SCOTT: Well we get \$100 from the OMA, and I do not think we could do very much on \$100. (laughter)

MR BECKETT: Thank very much Mr Mayor. Now Mr Kennedy, I'm sorry to keep you waiting; you've come all the way down from Deep River. Tell us about Deep River.

MR KENNEDY: It is a small municipality and we have our only industry in the Chalk River Atomic Energy plant. And we do receive a grant in lieu of taxes.

MR BECKETT: How much is that in dollars?

MR KENNEDY: The actual assessment involved is \$8 million and our taxable assessment is about \$6½ million.

MR MORROW: The Atomic Energy plant really is the whole town?

MR KENNEDY: Oh yes, they built the town in 1945

MR MORROW: That's right and it's almost the same as a military establishment.

MR BECKETT: You're part of the county system?

MR KENNEDY: Yes, we're in the county system, the

County of Renfrew.

MR BECKETT: And you heard what the Mayor of Cobourg had to say about what they received in lieu of taxation, and they had to take that to the county and have it added to their equalized assessment.

MR KENNEDY: Well, I don't believe we in our council are very happy about that situation either. (laughter) our levy is \$86,000. I'm here in support of the Brief of the Town and Village Section. I don't have too much to add to the able presentation of Mayor Scott and Mayor Parish, only to state that I am the original Secretary of this group that was formed in 1951; I've been a Director of it ever since, and the feeling presented by these two gentlemen is fairly general among all the member towns of this group. I had a great deal to do with it earlier when I was clerk in the Town of Hespeler and with the county road problem. We're very fortunate, we don't have a county road problem.

MR MORROW: You used to come in and asked to be separated...

MR KENNEDY: That's right. (chit chat re Galt etc)

MR MORROW: They used to come in every year wanting to be separated from the county system.

MR KENNEDY: And they used to be refused, I believe. And I don't think it's solved yet. (laughter)

MR BECKETT: Is there any advantage of having your municipality a village?

MR KENNEDY: No, we are a town.

MR BECKETT: Is there any advantage in having it a town or would you be just as well off if you were part of the county?

MR KENNEDY: No, I am in agreement with these other gentlemen of the regional government rather than the present county boundaries; they don't seem to meet the needs of the area. I can't speak too much for the county, because I'm not connected with the county council at all. But if you take a look at Renfrew county, it is a tremendous county, and mostly agricultural land and bush in

in the north; it's an unusual county really. Well that's all I have to say, Gentlemen.

MR BECKETT: Well it's been very interesting to hear you gentlemen, and once again, I think you should give leadership to those others in expanding the unit of government. And you have your own Association and that's a splendid place to do it too.

MR KENNEDY: Well it has been discussed there too, and very often.

MR BECKETT: Well the Committee appreciates you and the other gentlemen coming this morning.

MR KENNEDY: We are very pleased to meet you on this matter.

MR BECKETT: Thank you very much.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE TWENTY-EIGHTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 6
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

FRIDAY,
 AUGUST 17th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
 Alfred H. Cowling
 Arthur Evans
 George T. Gordon
 Ron K. McNeil
 Donald H. Morrow
 Vernon M. Singer
 Thomas D. Thomas

APPEARANCE:

Mayor William A. Parish
 B. C. Falby - Clerk-Treasurer

PRESENTATION:

BRIEF - TOWN OF AJAX

TOWN OF AJAXHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well Mr Parish, would you like to proceed.

MR PARISH: Mr Chairman and Gentlemen, I'd like to extend my thanks to the Committee for hearing us on our Brief which which we submitted- our council submitted to the Committee last year. We have four points which I'd like to deal with. The first to do with.....

MR BECKETT: Excuse me, before you proceed, what's the composition of your council?

MR PARISH: We have 6 councillors, a reeve, a deputy reeve and a mayor.

MR BECKETT: And your population? And your assessment?

MR PARISH: 8000, and the assessment would be about \$11½ million.

MR BECKETT: How long have you been a town?

MR PARISH: We were an improvement district until December 31st, 1954; we have had an elected council since January 1st, 1955; and I have served on the council since we were elevated into a town. Now the first point that our town would like to put before the Committee is the question of Hospital Capital Grants, and we feel that in the first place, the cost of the construction of hospitals should not be borne by property owners; and we feel this is going too far afield; that municipalities are getting involved in so many different matters which the taxpayer has to pay; and now that we have hospital insurance, an Act which the Legislature has passed, naturally more and more hospitals are needed, and will have to be built. But we do not think it is proper to place this on property. I think the main point here is this, a few years ago, if you owned property, it was a definite sign of wealth, and not so many years ago either. I don't think ownership of property today is necessarily a sign of wealth, that is, owning a house, because houses can be bought for as low as \$500 down. I don't think it is proper to equate wealth and property

ownership any more. So we feel that it is not proper for that reason; another reason too, it means that the local property owner is unfairly taxed, because he is taxed in so many different ways. He uses the hospital but many other people use the hospital who may not be property owners. Therefore they don't have to contribute to that capital cost.

MR BECKETT: They contribute if they pay rent.

MR PARISH: Yes, they do, but if I go into the hospital under the Hospital Insurance Act, and I'm a property owner, I've probably paid in about four ways for the construction of the hospital, No 1, my property taxes; No 2, in my premium on the medical insurance that I pay. No 3, I might have given a contribution towards the building of the hospital; whereas, if I'm not a property owner, I might have done all those things, but as I don't own property, I haven't made a contribution through my taxes; and our main point here is that users- those using and benefiting from the hospitals, pay for them. And this isn't always possible through direct payment, but it can be made up out of direct grants from the provincial and federal governments. And we don't feel that the municipality should have to bear the cost of hospital construction costs which are growing and will grow bigger, out of property taxes. And we have tried to be concrete and specific in our recommendations. We feel if every subscriber to the Ontario Insurance Plan pay one dollar more per month, and this was set aside in a special hospital construction account, this would mean \$12 a year per subscriber, and the figure that was supplied to me that there were 1,750,000 subscribers; if you deducted from that people who were on old age pensions; and people who don't pay premiums, you could still come up with a figure of \$18-\$20 million a year. This would mean that you could build about 9 100-bed hospitals a year in the province; and the other thing is, I feel if you're paying for hospitals, I like to know where my taxes go; you don't get anything for nothing. If it costs money for hospitals, you have to have hospitals, so let's know where the taxes are. And if it takes \$1 per month per subscriber, I think it is a pretty fair way of doing it.

MR COWLING: Mr Chairman, does the Mayor mean that

we shouldnt have any public subscriptions for hospitals?

MR PARISH: No, I think that's a good idea; I think if you can encourage people to give money privately, I think that should be encouraged. But I dont think we should have any portion of cost of the construction of hospitals borne on the property owner.

MR COWLING: And do you think the public generally would think it was a good suggestion for the government to put another \$1 on their fees for hospital services?

MR PARISH: Well I feel this way, if the people want these things, the people have to know they have to pay for them.

MR COWLING: Yes, but you know as well as I do, Mr Mayor, as well as I do, that people want something for nothing, dont they? They want the services, but they dont like to pay for them.

MR PARISH: My feeling is, Sir, that we who are charged with the responsibility, have to educate them to the fact that we dont get these things for nothing. Because they're going to pay for it out of sales tax or somewhere. I would sooner pay it directly and know where my \$1 was going.

MR BECKETT: Do you have a hospital at Ajax?

MR PARISH: We are just now going to build one at Chitcarth this winter. We have a hospital now and we are building a new \$2½ million dollar one starting in 1963; it is a debenture debt paid through the county, and we pay 12% to 13% of that debt. The county is going to raise a portion of the money.

MR BECKETT: So there is an advantage for Ajax being part of the county.

MR PARISH: Well in a sense, that we get this, but we're paying 12 and 13% of other things, so we dont feel there's an advantage.

MR BECKETT: Suppose you have the hospital and it werent part of the county?

MR PARISH: Well the county is making a contribution towards it. But under the scheme that we're suggesting this would not be necessary. The principle-it shouldnt be that the property owners should have to bear the construction cost of a hospital.

MR BECKETT: What levy will there be on Ajax?

MR PARISH: The county rate would be about 12 or 13.

MR BECKETT: What will that cost Ajax?

MR PARISH: Well this year we paid the county

\$137,000.

MR THOMAS: I cant say, Mr Chairman, that I am entirely in agreement with the \$1 increase. It might be quite easy for some of us around this table to pay \$1, but I'm concerned about those in the low income group.

MR SINGER: You're not equally concerned about the municipal tax rate?

MR THOMAS: I think the Provincial Government should make a greater contribution than they are in the construction of hospitals. If you read the latest report of the Hospital Commission, I think it is the only conclusion you can come to.

MR BECKETT: Same tax payer.

MR SINGLER: Surely Mayor Parish's point is that the levy on the municipal councils and on your municipal taxpayers is an unfair levy. He agrees that it has to be paid, but the logical people to pay it are the people who are benefiting from it. I think this is a good point. North York this year is putting a question on the ballot, do the municipal tax payers want an extra mill levy to pay for hospitals construction. Now whether it will carry or not, I havent any idea; I have my doubts as to whether it will carry. But I dont think it's fair that it should be part of the role on the part of a municipal council to levy for the cost of construction of hospitals.

MR THOMAS: I agree.

MR BECKETT: Mr Mayor, you didnt submit this to the ratepayers-the taxation for hospitals.

MR PARISH: No, this is another little side issue on this. When the county is going to pay the amount they are granting to our hospital and to other hospitals over a three year period, and that expenditure naturally had to be approved by the Ontario Municipal Board-well this is another little side issue on this that I was going to bring up too. That if we are preparing our capital fin-

ancing program, we have no control over this area at all; because our people have 4 votes out of 39; so when we go to the Board, we know what we are doing, but there are other bodies which can commit and can put you in a difficult situation. You can be committed in a direction over which you have no control.

MR BECKETT: How many other towns are there in the county?

MR PARISH: There are three towns, Uxbridge, Whitby and Ajax.

MR BECKETT: Have they all hospitals?

MR PARISH: Uxbridge has; Whitby hasnt.

MR BECKETT: You're all building on a county basis?

MR PARISH: Well this is just a new scheme that the county brought in about a year or so ago; we havent yet received any money, but we will.

MR BECKETT: How did Uxbridge build theirs?

MR PARISH: They built theirs much the same as we built ours out of public subscription, each one of the three municipalities, the Township of Pickering, the Village of Pickering and the town of Ajax issued a debenture; then they got provincial grants and federal grants, and very small grants from the county, but nothing large, nothing in the sense of what becomes now \$100,000. So that's the way those hospitals were built. Well now with the demand for more and more beds, because of public hospital insurance scheme, the cost of hospitals has become, and need for them has become much greater. So we were looking for some better way to suggest to find the money for hospital construction.

MR SINGER: There's another point on this too; I dont know whether it applies to Ajax but it applies to the metropolitan area where the big metropolitan hospitals, Sick Kids, the General and Western go out on a drive. They have theresources of three daily newspapers, and they have the ready resource of the leaders of industry and commerce in the metropolitan area. But where you want to try the same thing in the suburbs, those resources dont seem to be available to nearly the same extent; and the public response is much much less

in North York and Scarborough or Etobicoke and Weston. It's a real burden.

MR PARISH: Our other recommendation, Sir, on this particular issue, grants for hospitals are given according to the number of beds that you build; the services are apparently included in that figure, so if you went out to add to the services of your hospital, as far as my information is, there can be no grants. The grants are only given according to the number of beds. So if you were going to extend the service areas of your hospital, you'd find yourself without any grants....

MR BECKETT: With that additional cost.

MR PARISH: With that additional cost, you see, and well,...we feel the grants should be paid on everything; the services are just as necessary as beds.

MR SINGER: This hospital that you're going to build will be in the town of Ajax? (yes) And there is one in Uxbridge, each being what- 100 beds?

MR PARISH: No, I couldn't tell you the size of the Uxbridge Hospital-it's a small hospital. There's also a small cottage hospital in Port Perry as well.

MR SINGER: Wouldn't there be more sense if a different system was evolved, to build a bigger hospital in sort of the geographic centre of those municipalities.

MR PARISH: Well the Ontario Hospital Services has planned all this and this is in their minds. I think our hospital will go up to between a 300 to 500 bed hospital finally; and this hospital has been planned in Ajax because it is the centre-the logical centre of the area. And they wouldn't give their grant unless this was the case. In other words the siting was approved.

MR SINGER: Theoretically they say this, but practically, I've discovered that there are many small hospitals being built, which of necessity are not going to have the facilities; they are not going to be able to buy the big x-ray machines, and the big machinery that is really needed. If you had one hospital of 500 beds

rather than three of 150, you could do much more.

MR THOMAS: I think Mr Chairman, the Commission has made a survey of that area and approved the sites.

MR PARISH: Yes they have ; they made an exhaustive survey of the area and approved the sites. I cant say about the other areas.

MR THOMAS: I suppose in their approval, they have taken into consideration the southern part of the township of Pickering too.

MR PARISH: Oh yes. Well the hospital is in the Town of Ajax, and the three most closely affected municipalities are the Township of Pickering, the Village of Pickering and the Town of Ajax; it's not just an Ajax hospital- it's the Ajax and Pickering General Hospital. It's located in our town- we have all the services, sewers, water and so forth.

MR BECKETT: That area has considerable population now?

MR PARISH: Yes, it's getting up to around 30,000 people. The next item I'd like to deal with if I may is the item of Planning. We feel that in this area, there is the necessity for more overall provincial leadership and initiative in the field of planning.

MR BECKETT: When you say this area, you mean...

MR PARISH: I'm talking about the province as a whole. There needs to be a more overall provincial leadership in planning. I dont think planning can come from the grass roots. Our Planning Board can do a very good job, and Metropolitan Toronto Planning Board can do a very good job etc etc; but they should be planning to an overall plan. And these overall plans, we feel, should be regional and we should all fit into some kind of pattern. Our feeling is that if towns have official plans and zoning by-laws, why doesnt the province have a master plan for the province, so that certain areas are designated as farm land; agriculture is of prime importance to the province- it's being swallowed up by urbanization. To my mind, there should be some kind of a plan where you say, this is farm; this is urban, and there'll be areas which will be very difficult to plan,

because they will be borderline areas. But we don't feel this should come from the bottom up. The other thing too, we feel, is this:- there is very close control over municipality in its financial spending, and that's very wise and very good. But we feel the planning can get out of step with the spending, and therefore the province should be just as concerned to see that things are wisely planned, so there will be wise spending and wise borrowing in the future. And our suggestion is, why couldn't the government or the Legislature, and this would be a very big problem, but I think it is a needed one, why don't they prepare a master official plan for the whole Province of Ontario, region by region?

MR BECKETT: And designate all the land use of all the land in the province?

MR PARISH: I think you'd have to, Sir; after all the municipality is expected to do this. Now this doesn't mean that it isn't changeable; it would have to be flexible. But I think we have to indicate the direction in which we are going.

MR BECKETT: Why not start with the county unit? You say a region?

MR PARISH: Well for example our county is an odd shape, and it goes from Wasago at the north of Lake Simcoe, down to Lake Ontario, and the problems of the rural part of the county are not the problems of the urban part. The strip along the lake for planning purposes, we fit more closely to the general metropolitan Toronto, Oshawa...the developments along the lake.

MR SINGER: The north part of the county has a different drainage.

MR PARISH: Exactly, and the north part of our county is entirely agricultural, so for planning, I don't think we'd have anything in common. But if you took it at about the 4th or 5th concession, and went across those counties and established regions....

MR SINGER: May I ask you the same question I asked Mayor Scott, are you going to be able to have really effective regional planning unless you have some form of regional administration?

MR PARISH: You mean a type of regional municipal government? I think we're going to have to come to that. I'll deal with that later when we're talking about counties- the two things go together. Our next point is on county government, and our feeling is that the county violates a number of principles which we feel are sound. In the first place, the county was created a number of years ago as a system of government, and as Mayor Scott said, perhaps at that time it was a very good and a very functional system. We believe in our case now, the county has actually outlived its usefulness; that the pattern of life has changed as years ago, the areas were almost entirely rural; now there's been a great urbanization go on, especially around the south...south western Ontario, and this has created urban problems which are still being dealt with under a county council set-up, which is largely agricultural and largely controlled by agricultural people. And we feel that this isn't good. Everything has changed; changes have taken place in transport, welfare, education and all kinds of things, and the county hasn't changed with it. The second point is this, that the county violates the principle of representation by population; and I'd like to dwell on this point for a moment. Why is there a maximum of four votes in a county? Why was the number four picked on? If your town's population grows, and your number of municipal electors grow, if you're going to keep the county council, your number of votes should go up. It should not stop at four. And we're recommending, as one of our short term recommendations, that the votes go up as the population goes up on a sliding scale. You can use the scale that's already in the Municipal Act, or you can get another one.

MR BECKETT: Give the Reeve or the Deputy Reeve more votes.

MR PARISH: Yes, you don't have to increase your numbers; the Reeve and Deputy Reeve in our town get two votes each why stop at four-what is magic about four?

MR BECKETT: I don't think there's anything magic about it; it was the Reeve and three Deputy Reeves- four votes.

MR PARISH: And that was the reason for it, was it?

MR BECKETT: You could only have three deputy reeves. and then the municipality with the largest assessment, that reeve got a second vote.

MR PARISH: On page 8 of our Brief, we, just at random, took a number of municipalities in a number of counties and showed their population and their municipal electors counted for county purposes. And you can see that the number of municipal electors as a basis of representation, you can see that some have only four votes, but have almost 2 or 3 times, and in some cases, 6 or 7 times the number of municipal electors. And this also brings up the problem, should the number of votes in county council be based on your population or on the number of municipal electors. But we feel that as your population increases, so your number of votes on the county council should increase, until you reach the time you can leave the county. The other point that we'd like to make is this, that the county council, as Mayor Scott said, spent a great deal of money; the county council is not directly elected however. It's elected indirectly through representatives from the various townships, towns and villages going to sit there. And this is a trend that in government, we feel is a bad thing, because the further the elected representatives get away from the people, I think the more they would tend to not be as careful with the money they're spending; and I think too, it's a sound principle of government that those of us who are elected should spend the money, and should answer for how we spend it. In the county council system, you elect representatives, they go there, and they're not elected as a body directly, so they are one step removed, so to speak, from the electors.

MR EVANS: Do you think they should be elected for that purpose only.

MR PARISH: I feel, Sir, that county councils should not exist at all.

MR BELISLE: Do you feel the same way about school boards? All school boards?

MR PARISH: I feel that...this is my personal opinion- I feel it would be much better in a great many of these things if you had one elected body, a council, which would probably be much bigger, and an education committee.

MR BECKETT: A common council.

MR PARISH: Yes, a common council; and I think to have dual elections- two different groups in the town elected and then to have to hassle over the money.....

MR THOMAS: Planning Boards too?

MR PARISH: I think you could do your planning this way, recreation, everything and then have those men come into the council and they are directly responsible in a town council- a city council. It would make a bigger body, but I believe it would be more efficient.

MR BECKETT: No boards or commissions- all committees of council?

MR PARISH: Right. You'd have some real battles, but...(laughter)

MR BECKETT: Well that was suggested in 1924, and it's not...

MR COWLING: Just give it a little time.

MR BECKETT: That's nearly 40 years ago.

MR PARISH: Now the second recommendation on this point is this; we feel that the Municipal Act should be amended to allow a town to become a city at 10,000 population, and a township to become a city at 20,000, instead of the present 15,000 and 25,000 figures. We think you're going to keep your counties and we feel this would be a sensible amendment, and then towns and townships could take the step if they wished.

MR BECKETT: By a vote of the people?

MR PARISH: It could be by a vote of the people, if you wished- I don't think it matters too much.

MR BECKETT: Shouldn't the people vote whether they want to be a city or not; isn't the cost of administration in a city higher than in a town or township?

MR MORROW: And grants are smaller.

MR PARISH: This, I think, is something that needs to be changed as well-the fact that you have...why should the grants be different....not justifiable.

MR MORROW: Cities usually have larger commercial and industrial assessment.

MR PARISH: Then I think you should base your grant on some other figure-maybe equalized assessment or something of this kind.

MR MORROW: I dont think you'd get it at 10,000; you usually get it at 100,000. Cities of 10,000 you wouldnt have much of a base for getting it except in special circumstances.

MR PARISH: We have made as close studies as we can- we havent had an auditor study it-we feel there would be a definite advantage financially, our not being a part of the county; and furthermore, in Northern Ontario, where there are no counties at all and they seem to get along quite well without that level of government. So why should we have the cost of another level of government?

MR MORROW: In the majority of places it works the other way, doesnt it, Mr Chairman, where it is an advantage to be part of the township.

MR BECKETT: Do you think you would gain by incorporating yourself into a city? (yes)

MR EVANS: I was Chairman of the Committee at the time Barrie separated from the county, and I was representing the county. And I'd say it cost Barrie more money after it became a city than it did when it was part of the county, because the grants were cut to one-third from 50%; and even on say, health, they werent large enough to have their own health units, so they had to make agreements with the county, and on their share, they only got one-third where the county got 50%; so when you take everything into consideration, actually in dollars and cents, it cost them more money,

MR MORROW: With the present structure and the grants cut down.

MR PARISH: This gentleman's point brings up how

different this is, and here again, I think you'd have to be flexible; in the case of ourselves, we have a health unit which we call the county health unit, but the county really has nothing to do with it. Those of us who wanted a health unit, probably 6 or 7 municipalities, we all went into it and they have their own board and administrative; actually it has nothing to do with the county at all; we pay our per capita- 95¢, and we have a very good health unit, and it's all done by agreement. And the same with the high school board; three municipalities are in this high school board-it's been set up along with the Province and it works quite well. And we do it without another level of administration.

MR THOMAS: Yet the county has representation on it.

MR PARISH: I couldn't say whether the county has representation on the health unit or not-on the high school board it has.

MR BELISLE: We have health units and these are appointed by the townships. It's a voluntary system.

MR PARISH: That's what we have done and there's no other level of government, like a county through which this has to go. (chit chat and comparison, north and Barrie)

MR EVANS: Maybe we should go into regions as we were talking about here; maybe the county boundaries are wrong, but it always seemed to me that with a city that pulled away from the county, they had the industrial assessment, but many of their workers come from the rural areas, and they have to build the schools and educate the children; and it doesn't seem to be fair to pull away from the county, they have the industrial assessment and the rural areas have to look after the children.

MR PARISH: I think this again illustrates the point that there needs to be in my mind a complete reorganization of municipal government at the county level. Perhaps the answer is some bigger regional type of government. Perhaps where I live, my town and part of the surrounding township and perhaps another township could all be incorporated effectively into one larger municipality

right out of the county. And this is the point, it seems to me there is very little progress being made in this kind of thing.

MR MORROW: With this figure of 10,000, you're going in the opposite direction.

MR PARISH: What we've done, Sir, is we've made short term recommendations; we don't envisage the county being demolished over night, so we made some short term recommendations and some long term ones. The long term one is the eventual abolishment of the county, and it's replacement with something better.

MR MORROW: You've talked about the disadvantages of a city with a small population; what are the advantages that you have in mind?

MR PARISH: First of all, I think the main point is that your costs for the taxpayer will go down, because you will eliminate a whole level of government.

MR BECKETT: But the cost of the administration of a city, ordinarily we find, is greater, apart from grants...once you establish yourself into a city, the next thing you have is a city manager.

MR EVANS: It sounds like a glorified county system

MR PARISH: Well if there are a great many people who think there should be amalgamation, and while it is a county council, there are a great many people who think the county council should be elected over the whole municipality.

MR SINGER: There is a very substantial difference between the set up of the present metropolitan system in that the metropolitan government has a certain authority; it doesn't have to get unanimous consent. In your county government you've got to try jockeying around-you scratch my back and I'll scratch your back-it doesn't happen too often.

MR PARISH: Well we feel there would be savings in the cost of government. Secondly we feel that the elected representatives of the people would directly control expenditures. There wouldn't be another body spending public money which wasn't directly and completely elected by the whole electorate of the area; which the

county council is not. And we feel firmly that this would give us the kind of local autonomy that people talk about, that the council would have more responsibility for its expenditures; for what it was doing.

MR BECKETT: What is your industrial assessment?

MR PARISH: It's about 46%-47% of the total assessment.

MR MORROW: I can see this would suit you all right.

MR SINGER: Pickering, I suppose would be much much less- the whole township of Pickering-what is it?

MR PARISH: Pickering-I couldn't say- a very low percentage.

MR SINGER: And a lot of people who work in Ajax live in Pickering?

MR PARISH: Oh no, most of the people who live in Pickering work in Metropolitan Toronto or Oshawa. Oh, there would be some...but here's the other point here. The town of Ajax tries to keep a balanced assessment, and tries to keep its financial house in order, but it could be ruined by another municipality that doesn't do that; and this is the case. So when you're thinking of government, you have to think of this, if you involve us in other areas which we don't control, then our good financial planning can be thrown out the window by another body that is going to spend money over which we have no control. County councils.....

MR EVANS: You wouldn't have to worry about having a balanced assessment if you had a larger area and you all shared in the industrial assessment. You wouldn't be fighting to have a balance in one particular place like Pickering or Ajax.

MR PARISH: Well yes, but we would have control over the whole area, to plan it, we would have control over all the matters that make for a balanced assessment, and the good financial handling of your municipalities responsibilities.

MR BECKETT: Has it ever been suggested, Mr Mayor, that you form a large municipality, say south of the third concession? And make that a municipality?

MR PARISH: It may have been suggested-I don't know

whether it's been suggested or not. (chit chat)

MR EVANS: I think that's your answer-including the City of Oshawa.

MR PARISH: Yes. Provided that the council administering is elected directly by the people.

MR BECKETT: Such as the City of Winnipeg-the Metropolitan government of Winnipeg is elected directly.

MR PARISH: We have one final section to deal with on Education, and this is a series of recommendations and if you like, I'll just go through those and give you our reasons for them. We feel that a lot of money could be saved in education, if the Dept of Education established an architectural division; why do we have all competition for schools and what they look like? If they had 7 or 8 standard sets of plans.

MR BECKETT: May I interject? That was attempted 20 years ago.

MR MORROW: I know I went to the Dept of Education in '48 and started to raise hang about it in the architect's office, and I was nearly thrown out.

MR PARISH: I dont mean that you'd build one school all over Ontario. I mean that we'd have 7 or 8 different kinds which a school board could adopt and you would save a large sum...

MR MORROW: I fully agree with it if you can get it to go; I know I didnt get too far.

MR BECKETT: Even your local trustees say no, we dont want this standard plan. They want to do their own planning.

MR PARISH: Couldnt you make this one of the conditions of your grants? If you want to go and pick out your own fancy design, your local rate payers pay for it. But if you use one of the Dept's designs, you've got full grant on that; couldnt that be a control.

MR BECKETT: That's the present plan- \$30,000 a room and as soon as you go over that, then it's charged direct to the tax payer; that's the prescnt plan.

MR PARISH: But couldnt you extend that to using

that for the design as well. They're going to pay 7% for the design and engineering on the debentures- 6% or 7%.

MR BECKETT: And would you have the province furnish these plans and not have local architects draw them?

MR PARISH: Well you'd have to have architects draw the plans originally, and maybe after 5 or 10 years, you might want to revise them. But this would all have to be done by architects.

MR MORROW: What would you do for inspection? Their main job is being on the job every day to see their plans are carried out.

MR PARISH: Well that's all right- of the 6%, what is it, 4% for design and 2% for inspection; so your 2%..you just hire somebody who would be on the job all the time, a qualified engineer to be on the job and inspect it. But you save 4%.

MR BECKETT: Would he do it for 2%?

MR PARISH: Well we got all our inspection for 2%.

MR BELISLE: I agree with you because presently in Sudbury, there is an approximately 8½ million dollar Technical and Vocational school being built; and over a million of it is only for architect's fees. (chit chat)

MR EVANS: I feel, Mr Mayor that you believe there is too many frills on the schools they're building today.

MR PARISH: Well on some schools, there are, but I don't think in our schools there are any frills; I think as far as the building and construction, I think our boards have done a very good job for us. What we feel is why would you go out and hire an architect to design another school and pay the 6% or 7% again- it seems kind of silly.

MR MORROW: I think it's just a difficult thing to break; there have been attempts.

MR PARISH: The second recommendation under education, (reads, page 12, (j) "That the Schools.....on year." There is a definite limit on a high school board; it was one mill, and this year the Legislature increased it to 2 mills; but there is no limit whatsoever on the public school board- the amount that they

can spend in any one year, and we have run into this in our municipality, we managed to prevent it, but there's no ceiling on how much a public school board can spend in one year for capital, in the Public Schools Act.

MR BECKETT: Well over and above a certain amount, would you agree that perhaps the ratepayers should automatically vote on it?

MR BECKETT: Yes, that's the principle; that they can spend up to X, and over X, the ratepayer has to say whether they want it to be spent or not. My next recommendation is similar to that, and this has to do with additions to a school, (reads, page 12 (k) "that the Schools.....in one year." Now you might have to set some maximum there, but we had an experience where our public school board could have added to the school and levied for it all in one year, which would have been an unconscionable amount of money on the ratepayer, if the board were sufficiently determined to go ahead with the project, they could do it. The next recommendation is (reads(?) "That the Select Committee....for all teachers."

MR THOMAS: Well as a high school teacher, what do you think of that?

MR MORROW: This is not in our Terms of Reference.

MR PARISH: Well speaking personally, I think that you have almost got that now in another way; but there has been a great deal of talk about this, and therefore my council felt the province should study it and go into it to find out just what the merits are. In the next one, (reads, (m)) "In the case.....Board." Now our county appoints a number of members to a number of high school boards. On our own high school board, the county has no financial obligation whatsoever; it pays none of the maintenance costs; it has no debentures which it's paying off, so we feel this is wrong to have the county appointing someone, and they have no financial responsibility.

MR SINGER: Should you have appointed boards at all? Shouldnt they be elected? High school and public?

MR PARISH: Well I'll go back to my earlier state-

ment of a larger council where you have everything included and elected but this is the case now, and we find that quite often when the county does make its appointments, a good many of the members of the county council will not know for whom they are voting; a name will be brought in and it might be in the north part or the south part of the county, and they don't have the opportunity to know who they're voting for. We feel if there is financial responsibility, you should have the right to appoint a member; if no financial responsibility, you should not have the right. Now finally, on education, we are recommending again that the government make a study of the (N) property."

MR BECKETT: What source should that be?

MR PARISH: Well it could be a number of sources, direct tax sources, corporations, income, sales; again we go back to the point that....

MR BECKETT: Poll tax?

MR PARISH: I suppose you could have a tax of that kind; I know there is. Our point again here is that the cost of education is rising and they are so great that it would be of a great advantage to investigate the possibility of taking the cost of education away from property and...

MR BECKETT: Altogether?

MR PARISH: Altogether.

MR SINGLER: Would you think there is any merit in the suggestion of the province taking over industrial and commercial business tax and paying the full cost of education?

MR PARISH: I think there's merit in studying it, yes.

MR EVANS: Then you get back to my point that you wouldn't have to worry about whether you had a balanced assessment or not between industrial and residential.

MR PARISH: I think in developing the province, the province has to be looked at as a whole more perhaps than we've done in the past. I don't think it's a good idea to go out and compete for industry, one municipality against another.

MR EVANS: I agree with you.

MR PARISH: And as you said earlier, the industries in one town and the people are living in another place. I don't think this is good, but this is the way it operates and this is what we have to do to keep alive.

MR BECKETT: But you might start on a county basis first though and develop that from there.

MR PARISH: Well, Sir, again in our case where the county is such a great narrow length, I think if you reorganized in to some kind of regional governments, and take a piece of the north of our county along with some other county, and the centre with the central part of another county and the southern part with some of the others, I think this is the kind of thing that has to be done; it's a major reorganization.

MR THOMAS: There could be a rezoning of counties. Take the County of York-Metropolitan Toronto is taken away, and the southern part of our county below the 4th or 5th concession is now organized-why not a rezoning or a reallocation of the counties.

MR EVANS: Take the northern part of Ontario and the northern part of Simcoe counties- practically the same type of land.

MR PARISH: Well as long as it wasn't a re-grouping and we went on with the same old evils of it; I think once you started, to start right from the bottom and do some....

MR MORROW: A major ^{surgery} survey.

MR PARISH: The Province of Alberta, I understand, has done some work of this kind in regional government. I don't know how successful it's been but...

MR BECKETT: Yes, we've got a copy of their latest legislation-they're revamping.

MR EVANS: Well we do things in drainage and conservation along that line; we don't use county boundaries for these.

MR BECKETT: I think conservation and planning should go together.

MR PARISH: Well thank you very much, Mr Chairman,

and Members of the Committee, this concludes our presentation on the four items we wished to bring before the Committee, and we do appreciate your time and courtesy in hearing us.

MR BECKETT: Well Mr Mayor, you're also on the list here of the Ontario Municipal Association, Section of Towns and Villages.

MR PARISH: Yes, I appeared in support of Mayor Scott, the President of that organization.

MR BECKETT: Your presentation now, would that include...

MR PARISH: Yes, I appeared for the Town of Ajax; the matters I talked to for the county was also in support of Mayor Scott, on what he said for the county.

MR BECKETT: All right, Mr Mayor; you're just the type of chap that could give leadership to the basis of municipal government in the Province of Ontario; is it discussed when all the Mayors and Reeves get together? Isn't there a meeting this month in Niagara Falls?

MR PARISH: Yes. On this matter of county government, the Brief that Mayor Scott presented, we've had this under active consideration for at least three years, but the difficulty with an organization like ours, you need a research team; you need people whom you can give money to for scholars who are divorced from government whatsoever and who know finance, and know government, who know political science, and who can sit down and come up with some concrete suggestions which the elected then have to tear apart; but our organization has very little money and we haven't the facilities to do the kind of studying that this really needs. This is a major job, and should be done properly, and should have experts to at least draw up a pilot plan and have the elected representatives go over with them.

MR BECKETT: Why not suggest that and set up that foundation by a contribution from the municipalities.

MR PARISH: I think it would be a wonderful idea.

MR BECKETT: Why not suggest that at Niagara Falls this month and start a Research Committee. (chit chat)

MR PARISH: Well, I dont know...I

MR BECKETT: You've started something.(laughter)

MR PARISH: Well I dont think anyone is that wedded to their position that they would be anxious about it. I dont think I would.

MR THOMAS: Well, Mr Chairman, there are some who seem to think that planning boards should be abolished; what's your opinion on that one?

MR PARISH: We in our town had a very fine planning board who did a great deal of very good work. We have always been very annoyed by the fact that we have never been given direct representation on the Metropolitan Toronto Planning Board were in the Metropolitan Toronto Region for planning, and there is one member who represents three municipalities; and our belief is that one person just cant represent three municipalities on a planning board. But our planning board has been good and has done a very fine job. I think it would be better in the long run if you had a bigger council and all these things were controlled within it, but we've had good experience.

MR BECKETT: Well thank you very much Mr Mayor; does Mr Falby wish to add anything?

MR FALBY: No, thank you, Sir.

MR PARISH: Thank you very much, Mr Chairman and Gentlemen.

MR BECKETT: If you have any further ideas, please send them in. We would appreciate having them.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-NINTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
AUGUST 22nd, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

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Rheal Belisle
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer

APPEARANCE:

James Perna
Pat J. Gorman
W. Roberts

PRESENTATION:

YORK TOWNSHIP - WARD 4 RATLPAYERS ASSOCIATION - BRIEF

YORK TOWNSHIP - WARD 4 RATEPAYERS ASSOCIATIONHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, we have with us this morning Ward 4 Ratepayers Association of York Township; Mr Perna, would you like to introduce your members to the Committee.

MR PERNA: Mr Chairman, and Members of the Committee, on my right is Mr Gorman, our Secretary, and Mr Roberts, one of the Executive members, and I am James Perna, President.

MR BECKETT: You might tell us, Mr Perna, when you say Ward 4, just what part of York Township is Ward 4?

MR PERNA: It extends from Orchid Ave over to approximately the cemetery; and from the City Limits to...just above St Clair Ave to Ancaster.

MR BECKETT: Is there a similar association for the other wards?

MR PERNA: Yes, they all have rate payers groups; of course there are a number of committees in York Township also.

MR BECKETT: Well now, you may proceed in any way you wish-if you'd like to read your Brief and then we'll discuss it.

MR PERNA: Well, fine, and first of all, I would like to say that it's too bad we haven't got a larger group here this morning, but due to people working and vacation time, this is the best we could do. In our Brief, we have tried to be as brief as possible yet bring out some of the things we think are the glaring examples of what may be done under the present Act. (reads Brief) "Ward 4 Rate Payers....involving such persons."(end para 2) I'd like to stop here and explain that in our own York Township, as you all know, a few years ago there was an investigation by Judge Sweet, an Inquiry which showed a number of things that we feel were not morally right, that had been conducted by certain members of that Council. We know that the people took some action when the time for election came around by defeating some of the people that were directly involved. We also know that that it was a costly item for the citizens of York Township to press for something to be put into effect after

the Inquiry had been concluded. For example, I am a member of the York Citizen's Committee as well as President of Ward 4 Rate Payers. When Mr Tonks, the former Reeve of York Township, appealed the decision of the court, and was acquitted- won the appeal-we had a hurry up call from the president of the organization to state that we had a bill of over \$700 which we had to pay immediately. This meant that the people on this Committee, the Executive Members, although being public spirited citizens, believing that we should do something, we were forced to raise immediately over \$700, which meant that each of us was assessed approximately \$35. Now you can see, Mr Chairman, it can become a costly item; and there are many people who just couldn't, at the drop of a hat, raise that money. So it becomes a costly item for citizens who are public spirited, would like to see their municipality properly run, with proper people, and by the way, we believe that the majority of elected people are honest, conscientious and who devote many hours of their time to run the affairs of the municipality, or Provincial Members or Federal Members. We realize there is only a very small minority of people who would use their office to...for personal gain. I can say this, and I believe our members would agree, that there are some people who have taken advantage, and as I said this has become a costly item; I know that three times I have been asked to pledge or to donate certain monies along with the other Executive members so we could conduct or continue something after the Inquiry was concluded. And I might say there is one case still pending that is not concluded yet. If we wish to go further with it, we know that again it will cost the Executive and members of this Committee considerable amounts of money. So we believe that the Ontario Government should give the power to the Municipal Act that when a person is guilty of conflict of interest or corruption or anything else, that they are the body who should take these people before the courts-not the citizens of a municipality. We believe that the Provincial Government has numerous powers; and we believe they should extend these so that some Department of Government should be able to bring these people before the courts, and the cost should be borne by the Provincial Government.

MR BECKETT: Supposing, Mr Perna, every elected member was bonded, perhaps that could offset the matter of cost that you talk about.

MR PERNA: Well Mr Chairman, what kind of a bond? What kind of stipulation would you put on them?

MR BECKETT: Well, I'm not in the bonding business or the insurance business, but I know in some jurisdictions in the United States, that's one of the conditions that they have to file a bond if elected.

MR MORROW: A fidelity bond.

MR PERNA: Of \$25,000 or \$50,000, I see; and then if they were found guilty of something, in order to compensate, it could be drawn from the bond. Now how about conflict of interest now, which by the way hasn't been definitely been defined by anyone as yet. Suppose that the person involved gets a contract that he's helped to manipulate, say worth half a million or a million dollars. Through his efforts, this contract has come to his company--this was discovered later, how would a bond of \$20,000 or \$10,000 or even \$50,000 cover this?

MR BECKETT: Oh well all I meant was this was to cover your costs when the ratepayers bring an action to unseat a person. Maybe the bond could be used for that purpose; but when it comes to conflict of interest, just what do you mean--are you suggesting a penalty?

MR PERNA: I think there should be no conflict of interest; any person found guilty of a conflict of interest, then he ought to be removed from office. That's No 1; and I think under the Municipal Act, they should have the power to do this. And if it has to be brought to court because a person is not guilty until found guilty, then the costs of the procedure should be borne under the Municipal Act.

MR SINGAR: In any event? But if he is found not guilty? Surely there should be some protection for even elected people who are later discovered not to be guilty.

MR PERNA: That's right and who bears the cost?

Supposing the person is found not guilty by the courts, do you expect the citizens of that municipality to bear the costs of the court case?

MR SINGER: Well surely it depends on who initiated it. Are you going to make it so easy that petty grievances can be aired in court all the time, and there be no penalty on someone who carelessly brings charges that involve long and expensive court procedures? You said at the beginning that it's presumed, and I agree with you, that most people in public life are honest.

MR BECKETT: Wouldnt you seriously restrict the number of people who would run for office?

MR PERNA: No, I would say then to Mr Singer's first question, first of all we wouldnt initiate the action- the government would. Now I am sure that before the government took the person to court, they would have some information about why theyre bringing this person to court. They're not just bringing someone who is an elected member.

MR SINGER: Then this is really the point-now I may have misunderstood your remark, but a responsible government should, I agree with you, should take steps where they have serious doubts as to the actions of an individual; but just to set up a procedure whereby a ratepayer, who may just have a personal petty peeve, can go into court and be protected for costs, I think is very dangerous.

MR PERNA: No, I believe this, in all fairness, Mr Singer, this is the responsibility of the government. If a group of people bring this to the attention of the proper authorities. For example, in York Township it was a group of citizens who originally got the information, took it to Mr Warrender's office.

MR BECKETT: What proof was that, Mr Perna?

MR PERNA: Well it wasnt York's Citizen's Committee at that time, but it was a group of citizens in York Township. I understand the Citizen's Committee was later formed; but at that time the people themselves-we ourselves- had to take action. The Government sat back, and it cost us...cost York Township thousands of dollars to pay for the Inquiry; then after the Inquiry, we were forced

to pay the bill of our solicitors and the court costs....

MR SINGER: Oh I agree with that- the thing that is worrying me is that if you open the door too widely, you are making available to persons who may have very petty grievances, the machinery of the courts, and you're protecting them for costs, and I don't think this is proper. At the same time the machinery is made available, there also has to be responsibility on the part of the citizen who complained too.

MR PERNA: Now if, for example, if the Legislature enacts legislation along similar lines that we're proposing, and we have something in York Township...we have found out something that we believe is not above board, so we make a little inquiry ourselves and we get some facts, then we come down to the office of Municipal Affairs and we say; Now look we have discovered something here in York Township that is not right; we believe that this and this has gone on. Now we believe that it is up to that office to hold an investigation to either bear out our facts or not; or to discover new facts. Now this, we believe is the responsibility of that Department. After all we don't live under anarchy here. If I do something wrong, the police get a hold of me; if I illegally park my car, by golly, I pay a fine. There is someone there to make sure that the law's lived up to. But in this case, we're not satisfied with what has happened, and the Judge brought out a lot of things; but I'm sure there are a lot of people in York Township right now are not satisfied. And some of these people will probably be running for office again.

MR BECKETT: On what point are you not satisfied?

MR PERNA: We think there should be direct action if these people were guilty....

MR BECKETT: No, no you say you are not satisfied with the report itself.

MR PERNA: Well what I mean, first of all, we were forced in York Township to pay the bill, and I don't know if it will ever be paid. I don't know if we have the money to pay it. But I do know we were saddled with costs and I think the Provincial Government

should pay the bill. The report as far as I'm concerned was an excellent report, and the man spent many long hours in drafting that report, and I'm sure whatever monies he received wasnt adequate for job he performed; but I do know we are saddled in York Township with the costs. Then when we went to see Mr Warrender, he said: Well you fellows will have to take action by yourselves. If you want to do something, then you bring the charges. So we did. Then when we won the first case, it was appealed, and then was lost by a technicality in the courts, we were found that we had to put up \$750 odd dollars to pay for the costs. This is a fact, and we dont think this is right.

MR EVANS: Do you think that other municipalities should pay a part of the costs for the Inquiry?

MR PERNA: Well we're all under provincial legislation, regardless of the municipality we live in, is that right? (right)

MR BECKETT: Yes but, Mr Perna, you are independent in running your own affairs, and that's what the people like.

MR MORROW: You can hardly ask another municipality to pay the costs of something that happens in your municipality. What you're asking is that another municipality....

MR SINGER: Surely that's not the point; the point is, and he makes a valid point here-I was a little worried about the danger of throwing this wide open here, where petty complaints can be brought before the courts, and people who are later found have committed no wrong, are embarrassed, and they must pay for it; but surely the point is, that where there is wrong, and where it's abundantly clear that it is wrong doing, there is a public responsibility to take action-you cant limit it to municipal boundaries. You dont limit the cost of catching a burglar to municipal boundaries and that sort of thing.

MR BECKETT: Then you're taking more rights away from a municipality. I think maybe the question of cost could be rectified, but I think the municipalities themselves should run their own affairs.

MR SINGER: Many municipalities arent able to run their own affairs; they havent the finances and perhaps they havent

knowledge or the training that is needed.

MR BECKETT: I'd like you to ask the Reeve or the Mayor of any municipality if that is correct, and he'll tell you they want to run their own affairs.

MR SINGER: Well the Province for some peculiar reason- I havent been able to find out, pay the costs in the township of Clarence.

MR BECKETT: What are the circumstances?

MR SINGER: I have asked that about six times in the Legislature, and I cant get anybody to answer me.

MR BECKETT: Well I can find that out in a very....

MR SINGER: Well that would be a good thing, Mr Chairman, maybe you can find out but they wont tell me.

MR BECKETT: Did you write to the municipality themselves?

MR SINGER: I've asked three apparently responsible Ministers, who wont even acknowledge the fact that I'm asking a question.

MR BECKETT: Yes, but the Minister doesnt police all the municipalities-write to the Reeve in that municipality and he'd tell you.

MR SINGER: No, but when there is an expenditure of public money for these purposes, surely there should be an answer coming from the people in the Legislature responsible for it.

MR BECKETT: Well that's your first point, Mr Perna.

MR PERNA: Well I would just like to speak on the point of other municipalities paying the costs...for example, would you expect East York to pay some of York Townships costs...I would like to say this, that if we found in one of the municipalities, corruption, flagrant breakage of any laws, conflict of interest or anything else, if under the Municipal Act, they were brought to court, wouldnt this help to deter other people in office doing the same thing possibly? Would it not act as a stoppage or blockage or deterrent of other people getting the same ideas, if this thing suddenly came out and people were charged under the Municipal Act, brought into court, and if guilty, punished. Would it not have some effect

on other people? For example, we had something else in Eastview, that to my knowledge has never been cleared up yet. But there it is out there in Eastview. And the people in public office sit back and say: Well if you guys have something, bring it up and, then you bear the costs. This is nonsense. We elect people to office to see that the laws of our Province are upheld, and by that, this should come under the Municipal Act.

MR BECKETT: But you yourselves elect these people to office; the outside municipalities have no part in that, have they?

MR PERNA: No, but there are higher authorities than our municipal people. The Government of this Province regulates this Act-the way the municipality shall be conducted in this province. It's true that municipal people have their own little...no no, they have to come to you now, isn't that right? The municipalities if they want to pass anything, they have to come to the Dept of Municipal Affairs.....

MR BECKETT: On major issues.

MR PERNA: On expenditures of so much money, they have got to come to you....

MR BECKETT: No, they have to go to the Ontario Municipal Board (right) Well that's the Board.

MR PERNA: That's right, the Ontario Municipal Board which is under this Government...they have to go to another source-that's right-it comes under the Ontario Government; and so we are saying certainly there are people in this government who have knowledge and have studied the situations that, after what has happened, these two I mentioned and I think there was one outside of Toronto, around Mimico, there was something that came up that they had an Inquiry also, so this is not something new for the provincial government...

MR BECKETT: That's a small percentage out of 976 municipalities, isn't it...(true) But I'm not saying it's not important.

MR SINGLER: A very small percentage of the population have been murdered too.

MR GORMAN: Mr Chairman, we believe in Ward 4, that

if the elected representatives in municipal government knew that the Ontario Government would take a hand in things like this, and bear the cost of it, we believe that, in itself, would be a deterrent and would believe that probably this power would never have to be used. Today they know this won't happen and they know that down at the citizen level, there would be these costs; and the man who wants to be dishonest figures: Well most of these joes haven't got the money to fight it, so we've got a clear field.

MR ROBERTS: I agree with these two gentlemen and I think I'm kind of new at this and I don't know too much about it, but I'm gradually learning.

MR BECKETT: Did you ever sit on any Board or Council or did you Mr Perna or Mr Gorman?

MR PERNA: Municipal? No, I'm president of this Ratepayers Association; in fact I went for them with different Briefs before the Provincial on that matter too; I've been interested in the affairs of York Township for over twenty years, but I have never been on council; I ran once ten years ago, and I just ran out of the position but I do know this that I have been tremendously interested in the affairs of York Township for over twenty years, this interest of course will remain, but we'd like to have a little assistance from the Provincial Government to make sure that people who are interested and want to do their citizens duty, will stay interested and not shy away because of costs which they can't afford. We think this is the job of the Provincial Government, and if you want to keep people interested...it's true that there is only a very small percentage of people who take an interest in municipal, provincial or federal affairs, to be very frank; there's too much lack of interest.

MR BECKETT: What was the percentage of the vote in last municipal election in York Township?

MR PERNA: I believe it increased...offhand I can't give you the correct figure, but I believe it increased roughly 12%-13%. We've had as low as 21% vote in our township.

MR BECKETT: Did it increase much after the probe?

MR PERNA: Yes- the last election-it did increase

but it is still not good.

MR BECKETT: 30%

MR PERNA: No, no just below 40% the last time; I don't think I have to stress to this Committee the lack of education of our people who take no interest in municipal, provincial and federal affairs is becoming a very serious thing in this country.

MR GORIAN: Mr Chairman, a moment ago you asked if any of us had ever acted on any public body; for my own part I have never acted on such a body and I never had any aspirations for it; But I maintain that it is necessary for people who haven't got aspirations to be elected to office, to still be interested and find out what's going on and do some work at ratepayer level. I think if we only have people who have these aspirations taking an interest and not the ordinary ratepayer, we'll soon be in worse shape than we're in now.

MR BECKETT: I was only interested in the fact that it's great experience.

MR GORMAN: I don't doubt that, but we all can't have that experience.

MR PERNA: I can say it's great experience; we've attended some council meetings; you fellows know what's going on, but sometimes you just wonder at some of the doubletalk that goes on. And I wonder if this would not be enough to steer people away from becoming a councillor. Let's not kid ourselves.

MR BECKETT: And yet, Mr Perna, you must remember we are living in a democracy, and that is one of the strengths of democracy.

MR PERNA: There is no disagreement there, but I would still like to see some bright person come up with the idea of how we can get our people more interested in municipal, provincial and federal affairs, to keep democracies going. We can lose our democracy very fast if people don't take an interest in what's going on; and in fact I am of the opinion that there are certain people, like those across the line who have started a society, and there are people in this country...well better not get into that-but who would like to

tighten things up a little for their own benefit.

MR BECKETT: Have you ever thought of a penalty for people who dont vote?

MR PERNA: Well I understand in Australia they have one. I dont know they might beshooting the civic officials down or the Provincial members if they brought in this kind of legislation.

MR GORMAN: I think if a person has to be forced to vote, he isnt going to give very much thought to it-just performing a duty...

MR BECKETT: Maybe not force him to vote, but maybe have his name struck off the voter's list if he didnt vote.

MR PERNA: Lose his franchise for an election.

MR BECKETT: You know if you take away liberties from people, that's the thing they cherish more than anything else.

MR PERNA: Well in the second point...rather the second paragraph, (reads, para 3) "In our opinion,.....holding pub-office." Now we've just covered that.

MR BECKETT: Another point, Mr Perna, what would you think if you had a larger unit of government instead of just township, you just had cities and counties form of government-not have townships. Do you think it would relieve the situation?

MR PERNA: Well we're interested in municipal affairs; as far as I'm concerned, as soon as we get this amalgamation, this is my own personal opinion...we had quite a discussion at our Ward 4 Rate Payers meeting, but the gentlemen who all hold office in the Township of York...but as far as I am personally concerned, the sooner we get amalgamation here, the better off we'll all be.

MR GORMAN: East York doesnt want it.

MR PERNA: I know and Leaside too, but the gentleman who is now our Reeve was one time in favour of it, but in the last meeting, he spoke against it.

MR GORMAN: He's now a member of Metro Council, why should he be in favour of it now?

MR PERNA: But anyway, he's now against it. I dont know...how many municipalities have we now in the province?

MR SINGLER: Roughly 1000.

MR BECKETT: It's a lot; it's a big province; and the people like to run their own affairs.

MR PERNA: Well I have no objection to that but it should be within the law. They shouldnt be above the law. You know we're only had a few inquiries and a number of things have come up, and I'm just wondering if they ever started investigations in other municipalities, what might happen, and I'm not talking about a witch hunt. You know people arent too interested, and the boom we've had in and around Toronto has been tremendous-nobody realized 25 years ago and then when they built that 401 that was supposed to skirt Toronto. Now we do know that people have done well, considering their positions but we dont know really what they've done. And you see a guy with a job that pays about \$4000 a year, and suddenly he's got a big home, a boat and a car-I know where he got it from; he didnt have a rich grandfather. But I wouldnt be surprised that there were pay-offs going on that we know nothing about. But you cant go out and accuse somebody.

MR GORMAN: The Minister of Municipal Affairs, Mr Warrender, said when we were talking about York Township and Eastview, he admitted there were several municipalities where things were worse. He was reported in the newspapers as admitting that-he didnt mention the municipalities.

MR BECKETT: You know out of 976 municipalities, and multiply that by just by 5, if you want to, that would give you 4800 members of municipal councils; now dont you think most of them are very sincere?

MR PERNA: Absolutely. But the ones who are not sincere are the ones we've got to do something about. (laughter)

MR BECKETT: They dont spoil all the others.

MR PERNA: Oh no, I'm an official in an organization myself, and we get criticism. We get criticism, but we're honest.

MR BECKETT: But you cant judge all the rest by what happens by two or three.

MR GORMAN: Mr Chairman, I think the point that we

are trying to make is, that the Act as it exists provides an invitation for some of these people...to dishonest people, because the penalties aren't there. Sure we will all agree and believe that most of the elected representatives are honest; but the opportunity is there for the one that isn't, and that is what we would like to see removed; and further, to provide for some sort of penalty, because as it is, it provides an invitation and the ones who have been dishonest have certainly got away scot free so far, which brings it to the attention of others who might want to pursue the same methods.

MR PERNA: (reads, para 4) "There is a major loophole....of violating it." Now I believe Mr Chairman that we've had so much discussion on conflict of interest, and what is conflict of interest, I would like to just bring out this point. If I am a printer... I have a printing shop in York Township, and I am an elected official...and if there is printing to be done in my municipality, would it seem possible that if I have a printing shop that I would get some of that business? And if I did, would that be a conflict of interest?

MR BECKETT: No but morally you wouldn't do it

MR PERNA: Morally I wouldn't do it? Why? I need the money.

MR BECKETT: Oh, no, no. I don't think there is one person in 10,000 that would stoop to that?

MR PERNA: Is it a conflict of interest if I had a printing shop and I did work for York Township, I'm an elected official, and maybe it is \$50,000 worth of work, is it or is it not a conflict of interest?

MR BECKETT: You mean in the case that you're a limited company? Yes, it is a conflict of interest for an individual.

MR PERNA: All right.. Now if it is brought out and I am guilty, what happens to me? I'm a limited company and I've got work-thousands of dollars out of York Township- what happens to me?

MR BECKETT: What do you think should happen?

MR PERNA: Well if it's a conflict of interest and a violation of the law, I should be fined and sent to jail. That's what should happen to me. If I took office and I said I would uphold

the people's rights and be honest and sincere, then By God, I should be, if I were found guilty, and I did do it, then I'm liable for a penalty; and what is the penalty? The penalty is pay a fine or go to jail.

MR BECKETT: Wouldnt the greater penalty be to be disqualified from office for two years? Wouldnt that be a greater penalty?

MR PERNA: Why I should never be allowed to run again. He knew what he was doing-he is not a baby-he's a man. Why should he get another chance? He knew when he took the oath about conflict of interest. He knows the law. He knows what is right and what is wrong in legislation. Why should he be given another chance? Will it be like some judge, God bless his soul, said to a Member of Parliament, I think he fined him \$10,000, no jail for him, no nothing and let him go-or suspended sentence, and that is all. This to me is nonsense. This is only a few months ago.

MR BECKETT: You dontquestion our administration of justice, do you?

MR PERNA: I dont for one minute, but sometimes the decisions are just fantastic, if you dont mind my saying so.

MR GORMAN: I believe it was what the judge said after he rendered the decision. He did make the remark afterwards that this man was a Member of Parliament, and yet he made \$10,000; in other words, of course he had to be crooked, was inferred. It wasnt the decision of the suspended sentence; it was the explanation of why he gave the suspended sentence.

MR PERNA: Well I havent yet had an answer, Mr Chairman, I outlined a case; now what happens to me right now?

MR BECKETT: Nothing really happens now if you dont declare your conflict of interest. There's no penalty provided in the statutes.

MR PERNA: There's no penalty. So in other words, I get involved with thousands of dollars, and I'm an elected official and nothing wouldhappen to me.

MR BECKETT: The Rate Payers will look after you in next election. I think it goes deeper than the question of a penalty

as you have mentioned. I think a man has got to live with society, and he's got to live in his municipality too, and I think that's a reflection on his character. I don't see the necessity of going to jail is the important part.

MR DELISLE: Don't you believe that a trial by the people is more important than a trial by the judge.

MR PERNA: Yes to an extent, but I do think this, supposing a gentleman-he wouldn't be a gentleman any more as far as I'm concerned-walked out with \$50,000 or \$100,000.....

MR BECKETT: That's my answer-he wouldn't be a gentleman.

MR PERNA: All right...yes but listen we've got all kinds of people in this country and every other country in the world that's out for the almighty buck, and how they get it, they don't care. They don't care how they get it; they are people with no scruples....

MR BECKETT: It's a very small percentage.

MR PERNA: I don't care if it's a quarter of one point-that's the kind we've got to get, Mr Beckett. We don't want them in public office. Now to answer your question, so the operator of this shop was guilty of conflict of interest...I am guilty of conflict of interest. I finally come out of there with \$100,000 say in profit over the last ten years. So they say: You can't run any more. Or as Mr Beckett says, for two years, you're disqualified. I don't believe that's enough. If I break the law, Sir, I am guilty, I have to go to jail for minor infractions-never mind robbing the people or such. For minor infractions, I have to go to jail.

MR BECKETT: That's criminal.

MR PERNA: Well what do we do with these guys?

MR BECKETT: Well in your opinion, there should be a greater penalty.

MR PERNA: Absolutely. And I think you're the ones to enforce it by legislation. I want to make clear again, nothing would happen, is that right? (right) Then by God, we need some legislation.

MR MORROW: All this is recorded in the minutes

of the meeting; you disclose that you have an interest- you get up in the meeting and say that I have an interest in this business; you state it and you dont vote on it or anything, and it is recorded in the minutes. But if you dont disclose your interest, and it is discovered, it is also recorded in the minutes.

MR PERNA: But nothing happens?

MR MORROW: No, there's no penalty...I dont see any penalty in the Section.

MR PERNA: (reads, para 5) "We believe that all building.....to be unethical." Now Mr Chairman, if I may, I am interested in Labour , and also what the Government passes in this field. We were quite happy to hear that the Government had appointed Mr Carl Goldenberg to a Royal Commission on Labour-Management Relations in the construction industry. I understand next month that the Provincial Government is going to enact certain legislation changes in the Labour Relations Act, but we also know that some of the things that Mr Goldenberg has pointed out- there have been very glaring examples- will not be incorporated into the Act.

MR BECKETT: Better wait and see though.

MR PERNA: Well this is what we understand. Now I hope the majority of Mr Goldenberg's recommendations will be adopted. But we are living in strange times at the present. We are living in a time where the construction industry has become a major industry; we know that the development in Toronto especially, and all over Ontario has greatly expanded; we know that this year has been a boom year in construction. We also know that there has been tremendous exploitation in the construction industry. This evidence was brought before Mr Goldenberg- concrete and complete evidence. We have fly-by-night operators who hire people- some from the Employment Services Offices- they go down in a truck in the morning and pick up 7 or 8 guys. The people work for two or three days and they never see the guy again- gone completely. I took two cases to court myself for some of my friends in Ward 4. After 7 months they finally found the guy, and the man did 6 days in jail...3 days on each charge, and he saved himself I think it was a total amount of over \$300; and two of the fellows



wouldnt even press the case.

MR BECKETT: What charges did you lay?

MR PERNA: Non-payment of wages-phoney cheques.

He got three days on each case. Now to me this is not right.

MR BECKETT: The fact that he was licensed, do you think that would guarantee the people their wages.

MR PERNA: Well you would put him out of business. You could withdraw his license.

MR BECKETT: But you did put that fellow out of business?

MR PERNA: No, we didnt. That guy's not out of business. In fact, some of these guys who have been found guilty on some of these charges, they just go in with somebody else and use somebody's name- join up a partnership. On paper, there's only one, but he's a partner. So what do we do about the construction business? Now that's only wages; how about the working conditions? I live out by a main thoroughfare. You see the fellows go upin the trucks on Dufferin Street in the mornings through North York-some morings in the summer at 5 and 5.30 in the morning, and you see them coming back at night at 9 or 10 oclock. We have Hours of Work in this Province-nobody pays any attention to it. Some of these fellows never got vacation pay; did not know what vacation pay was, and they were afraid to ask and afraid to press it right today, even after the Goldenberg report. There are people being exploited and are afraid to say anything because where are they going to get a job?

MR BECKETT: You dont think those chaps want to work those hours? You think they're being exploited and are doing it involuntarily or are they getting paid more money for it?

MR PERNA: If you walked the streets, Mr Beckett, and you suddenly got a job...

MR BECKETT: I've walked the streets, yes...

MR PLRNA: Not in this day and age. I know during depression days you probably did, but so did a lot of others; but that wasnt because you wanted to-there was nothing to do. I dont think you were lazy, Mr Beckett. There were just no jobs. (laughter)

MR BELISLE: Do you feel we ought to have compulsory legislation of no more than 8 hours a day? In every industry, irregardless?

MR PERNA: In British Columbia and the United States there's a 40 hour week, and in British Columbia, I believe they must pay time and a half after 44 hours. I personally believe that there has to come legislation limiting them-we have a 48 hour limit now.

MR BECKETT: It's pretty tough on the farmers.

MR PERNA: All right now do the farmers come under the legislation? We've got a 48 hour now, Mr Beckett; do the farmers work 48 hour a week? (chit chat re farmers work)

MR BELISLE: The majority of those who have two jobs or three jobs are the boys who work for the unions.

MR PERNA: Well I dont know if your statements.. this is your opinion and you're entitled to it, but I would say very truthfully, in the majority of unions, this is not so; because we 're against moonlighting, and I happen to be a union official. We're against moonlighting, and with all this unemployment, we think if a person works 40 hours a week, he's worked long enough.

MR BECKETT: You might be against it, but does it go on though?

MR PERNA: I would say in certain cases, yes. There are union people who are working more, and working at two jobs, but there's reasons.

MR EVANS: How many hours do you work, Mr Perna?

MR PERNA: I dont keep track of my hours. (laughter)

MR EVANS: But you do work more than 48?

MR PERNA: I would imagine so, yes, but I dont have to do so.

MR EVANS: Why do you then?

MR PERNA: Because my job takes so much time looking after other people's interests, and I dont get paid by the hour. And you fellows dont get paid by the hour either. But nevertheless, there are people we must protect. Now I dont know if this Committee is concerned about what's gone on in the construction industry- you're

concerned possibly with the deaths that have taken place. I remember about five years ago of a case in Dresden where at least 5 or 6 Dutch immigrants were trapped in this trench and killed. The contractor was brought to court and the case was fought for months, a contractor from St Thomas. They found the trenching wasn't properly shored and the contractor was guilty; he didn't go to jail. I believe he paid a fine. But that didn't bring back the five or six people that were killed. In fact today, he's a bigger contractor than he was before.

MR MCNEIL: He isn't in business now? (chit chat re this particular contractor)

MR PLRMA: Well anyway we have a problem here and we know the contractors here in Toronto are still in business, and we know that some of the shoring wasn't proper- am I right in making that statement-that these contractors who have been guilty of violating the safety regulations, are they still in business or are they out of business?

MR BECKETT: I don't know that but the inspectors now are appointed by the municipalities, and I do hope they are doing some good work to protect the workmen. Do you agree with that?

MR PERNA: Well first of all I know we haven't got enough safety inspectors, but what I would like to bring out here is what do we do with the contractors who are violating the regulations? The Provincial Government passed some legislation; what do we do in that case? If he is guilty? Withdraw his license? That is supposing we license, and he is guilty of doing something?

MR BECKETT: That's pretty hard to determine until some form of licensing comes up, and there might be a penalty attached to it of withdrawal of the license. At the present time, there is no legislation of that kind.

MR PLRMA: So if the person now is guilty of violating the safety regulations, or non-payment of wages, he pays a fine.

MR BECKETT: On the safety there is a...

MR PERNA: What is it on safety? A fine?

MR BECKETT: Yes, a fine.

MR BELISLE: They close the shop.

MR PERNA: Well I've never heard of one shop being closed for it?

MR MORROW: What is it Vern?

MR SINGER: They fine. There may be an alternative of jail sentence, I don't recall.

MR BECKETT: Jail sentence if they don't pay the fine.

MR PERNA: Mr Chairman, I know this Committee has other delegations to hear and I would like to conclude with this. We believe that the Government has taken a responsible position in appointing Mr Goldenberg. We believe that there are a number of regulations of our submissions that he has proposed recommendations; Starting at page 60 of the Act, of this report which covers British Columbia which has proper legislation, in my opinion, Saskatchewan also has, and I believe that this Committee should study some of this ... and, suggest very strongly they study his recommendations and we trust and hope that in this coming Session that the Government will pass legislation covering changes in the construction field. I was talking to a contractor on Sunday afternoon, and he said: We know what's going on. I put in a bid on a job and I pay a fair wage; but I also know that my competitor is paying 60¢ an hour less than me. Now this is unfair competition.

MR BECKETT: Would that be on a government or municipal job?

MR PERNA: These guys do drains, sewers, roads.

MR MORROW: This is probably federal, but in the municipal, they had to pay the prevailing rate... in the area...

MR SINGER: No, no...

MR BECKETT: In most of the municipalities now, I know in the Toronto area, they have the fair wage right in the contract.

MR SINGER: They may decide to, but there certainly is no compulsion.

MR BECKETT: In the Toronto area and all the areas I know of, they insist on the fair wage clause in their contract.

MR PERNA: Mr Beckett, in all fairness, we know for a fact there are people in the construction field their pay slip will show \$1.85 an hour, which is a fair wage; we know that his pay cheque wasn't \$1.85 and I believe this was brought up to Mr Goldenberg's attention also. But these fellows are getting away with it; in fact some of the people who are being exploited don't complain. I know of cases myself when this started and I said: You fellows have got to appear. They said: No, where are we going to get a job? How will my family live? They're afraid even though they're right and the government will protect them on this. I believe that if the contractor is found guilty of non-payment of wages or below the standard set...now as you notice in British Columbia, they have \$2 an hour for skilled, and regardless of skills \$2 an hour in the Goldenberg report, and they have a minimum, I believe it's \$1.60 or \$1.30; in Saskatchewan it's not as high as the \$2, I believe it is \$1.30 and I believe Goldenberg is recommending \$1.25, which I believe is low. But it is a funny situation; in Ontario, we have a female minimum wage Act and no male Act. I don't know why. It's the largest province in Canada as far as population goes.

MR MORROW: The ladies are not exploited.

MR PERNA: But it's all right for the men to be exploited. I would suggest too...

MR TAYLOR: I believe the Industrial Standards Act sets out certain schedules of wages in certain industries...

MR PERNA: It is agreed by the employer, the union involved, the organization and the group of employers, they can go down and set standards-that's right, but in how many industries do we have that? (not too many) I believe the Garment industry has; they've got minimum standards; Painting and Decorators have, but that's where the industry and union involved agree on that, and they set standards by agreement. (chit chat) So Mr Chairman, that's what we would say and we hope that this Committee would recommend and bring in a report that we adopt something on fair wages and on licensing of these contractors, which if they violated, the license could be

withdrawn.

MR GORMAN: Mr Chairman, it appears strange to me that practically every industry or business of any size or importance in the province, they have to have a license to operate. Personally, I have nothing to do with the building industry or contractors, but I don't know why they should be allowed to operate without a license; And I think that one of the most important things this Committee could do is to bring up this point and make recommendations that they should be licensed. I think any legitimate business should have a license. I don't think one should be exempt above all others.

MR BECKETT: You say all businesses should be licensed?

MR GORMAN: Well most businesses are now....

MR BECKETT: Oh no, no; they pay business tax, but they're not licensed.

MR GORMAN: Even individuals are licensed; you have to have a license to operate your car; you have to have a license if you're a stationary engineer; and if you do anything wrong this license is taken away from you, and you're put out of business. But if you are a contractor, you can do wrong and you are not put out of business. But if you had a license you would be. You have the rein of control over the individual, but you haven't got it on the contractor who employs him. He can break laws and not lose his license; perhaps there are other penalties, but he can continue in business. Whereas the people, the individual who is working, a hoist engineer, an operating engineer, or even a car driver, truck driver, you can lose your license and be deprived of doing that particular thing. The contractor, as the law presently exists, can continue-he isn't put out of business, whereas the individual is.

MR ROBERTS: I don't think I have anything to add; I think the other gentlemen have covered everything.

MR BECKETT: Well thank you very much, Gentlemen; it is very interesting and we will give it consideration.

MR PERNA: Well Gentlemen, thank you for your attention; we hope you will adopt some of our recommendations.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-NINTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RLLATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
AUGUST 22, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H. G. ROWAN, C.M.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

MEMBERS:

Rheal Belisle
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer

APPEARANCE:

Reeve Metcalfe
Clerk - W.J. Breckenridge
Councillors - Stanley Andrews
Golden Andrews
Everett Elmhurst
Arnold Stevenson

PRESENTATION:

ORAL SUBMISSION - TOWNSHIP OF ASPHODEL

TOWNSHIP OF ASPHODELHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr Metcalfe, would you like to introduce your Committee to our Members?

MR METCALFE: Well my Committee is the Council, Mr Stan Andrews, and Mr Stevenson, Mr Golden Andrews, Mr Elmhurst, and the Clerk, Mr Breckenridge.

MR MORROW: Is this in West Hastings?

MR METCALFE: This is in Peterborough County.

MR BECKETT: Now Mr Reeve, you may proceed and talk to the Committee; we are very informal.

MR METCALFE: Well, a year an a half ago, we felt that the small business man was being used unfairly by the percentages set up in Section 9, subsection (i)- business assessment; and we couldnt see why in the big cities it is 25%; smaller cities, 30% and the small municipalities had 35%. We checked back and it's been that way for sure since 1937, and we feel that small businesses in our municipality-we have no large built up areas- and we have a population of about 1400; and the small business man, his business is going down hill every day.

MR BECKETT: These are retail merchants?

MR METCALFE: Yes. Due to travel, they can go easily to the large stores in Peterborough; it is only about 10 miles, and you can get into a car and drive into those stores and buy cheaper and the small man is just sitting there to sell a loaf of bread if somebody runs out at supper time. That's why we feel that something should be done to amend that Section.

MR BECKETT: The big stores in Peterborough, they deliver too, I suppose.

MR METCALFE: Well they dont take the time to deliver down our way; but it is a fact that the roads are better and travel is easier. We came up here this morning in a couple of hours where twenty years ago, it would have been four, and you can slip into

Peterborough in fifteen or twenty minutes.

MR EVANS: How many merchants would you have?

MR METCALFE: Oh possibly, counting the service stations and small stores and everything, 10 or 12 would be all we'd have.

MR BELISLE: How many chain stores would you have?

MR METCALFE: None.

MR BECKETT: Did you have more merchants ten years ago than you have today?

MR METCALFE: Yes, we had one man close up shop last year, and he blamed the business tax-I wouldn't like to say that is the whole reason, but he closed his store.

MR SINGER: You wouldn't recall the assessment on it.

MR METCALFE: Any assessment on these stores for business are small compared to what you fellows have to deal with-I realize that.

MR SINGER: No, I was just wondering...what you said made me think of this- how big would the tax be, perhaps less than \$100?

MR BRECKENRIDGE: Yes, it would be less than \$100, but to a small business, it is a large sum.

MR SINGER: It's a substantial sum of money, but I wonder if your business is running that close that \$100 is going to put you under.

MR BRECKENRIDGE: Well you wouldn't think so, but they seem to feel that way.

MR BELISLE: Do you have a druggist and a cigar store and small grocery stores in there?

MR METCALFE: There are four small grocery stores- all sort of general stores, and they're all assessed at 35%. What was the reason for putting small municipalities under 10,000 population at 35%, and the large cities at 25%?

MR SINGER: That's a very good question, and nobody has an answer.

MR BRECKENRIDGE: The smaller you are the more you are taxed.

MR BECKETT: Would you be satisfied if all were 25%?

MR METCALFE: Well it would be better than the way it is.

MR EVANS: I cant see any reason why, Mr Chairman, in a big urban municipality should have the advantage over the small town. The small town is the place where they're needing business, and they dont have the business and their expenses are high too, and I think they're the ones that need the help more than the big place. Here it is just the opposite, the large ones have the advantage.

MR MORROW: Back in 1904, when this was written, the circumstances were just the opposite, the people did everything did everything at home and they didnt get away at all.

MR METCALFE: In 1904, it was the horse and buggy days and people dealt at the small store; now you get into a car and go to Peterborough. I dont think you save anything with your gas and everything, but the people think they do; and if they see something two cents cheaper in Peterborough, they'd rather spend \$2 to get there to buy it for 2¢ less. That's the trend of today.

MR EVANS: You said especially the women did you?
(laughter)

MR BELISLE: Mr Chairman, would it be possible to have a survey made of those under 10,000, to see if they are charging the full 35%?

MR BECKETT: Mrs Rowan made that survey last year and came up with ...I dont think she came up with that particular one.

MR ROWAN: Well I didnt ask them to break it back by type of business, so that wherever you have a rate that's applicable to more than one group, I wouldnt be able to tell you that. I doubt if I could come up with that. I can see how many municipalities under 10,000 we have, and what the business tax picture is for them, but whether it would answer this specific question, I would doubt.

MR METCALFE: But you gentlemen have no reason for it being split three ways in 1904?

MR BECKETT: The situation might have reflected dollars in the large municipalities; 25% might have been a very large amount of taxes, that is in proportion to what the smaller

municipalities paid in dollars, but we dont really know.

MR EVANS: I'm 22 miles away from the City of Barrie, and I pay 35% and they pay 25%.

MR SINGER: There's just no sense to it.

MR MORROW: We're taking a good hard look at this.

MR BECKETT: As a matter of fact, we have received very many Briefs in connection with the business tax. Any other points that you would like to make?

MR METCALFE: No, I have none unless any of the councillors have anything further to bring up. This is the time.

MR BECKETT: Yes any aspect that affects the municipality.

MR ANDREWS: The small business today has not got the overall amount of business that it did have-you have to admit that the cost of their help has risen the same as everyone elses; and I think anything that could be done to offset some of these difficulties of the small business man of late years, probably more since the war that these things have come about. They certainly need all the help they can be given because they are, the most of them the back bone men of a small town. You'll find them in organizations in a small town and they help to keep a small town operating. And everytime you lose a small business man, you're not only losing a business man, you're losing an asset to the small community.

MR BECKETT: They are the backbone of the country.

MR ANDREWS: I would say so, Sir.

MR MORROW: May I ask, Mr Chairman, do you have many summer residents...summer resorts in your Township?

MR METCALFE: Well not on a large scale-we have some.

MR MORROW: Do you have any problem at all to them objecting to their assessments?

MR METCALFE: Well, a certain amount. We try to co-operate with them.

MR MORROW: You try to keep them happy. (yes) Do you charge them 100% school tax or less?

MR METCALFE: Yes, and sure they think they are paying

too much tax, but they dont think they can do anything about it.

MR MORROW: They are getting quite organized in some townships.

MR GOLDEN ANDREWS: The small business man is not doing as much business today as he did ten years ago; yet he has a higher assessment. I'm a residential taxpayer and five years ago, I paid \$825 assessment. Two years ago it was raised 25%. The business tax is the greatest burden on business and that's why we're here to see if we can get you to cut that for small businesses.

MR BECKETT: The basis maybe of the business tax isnt right then; because if the assessment goes up the business tax goes up, whether the amount of business goes up or not.

MR STEVENSON: Mostly the business is going down today; I know of two instances and they are giving a real service to that immediate area; and they both say that where they used to do a big business on a Sunday morning, now the business has dropped right in half.

MR BECKETT: So they work more than 44 hours a week?

MR STEVENSON: Definitely.

MR SINGER: They're open on Sunday morning?

MR STEVENSON: Yes, and at one time a few years ago, their biggest business was on Sunday morning; the people used to drive to their cottages and then Sunday morning, they would drive out for supplies. But now it just doesnt happen that way. And they are at a loss they dont know why; but I can actually see it happening in both of these places.

MR MORROW: They're driving into the big shopping plazas now and load up before they go.

MR METCALFE: Now too the big plazas are open until 9 o'clock and they swing in there and dont give it to the little store; they're outside the city and under municipal regulations and they have the evening shopping hours.

MR BECKETT: Well thank you, Gentlemen; it's very interesting. Certainly I've always felt and the Committee too, that small business really has to get some help.

MR METCALFE: Yes they've got to get some help. When they came out with this last grant that concerned all farming and residential areas, it made a difference in our mill rate of 3 to 4 mills between the commercial and residential and farms; and they're paying this too, the 3 or 4 mills and the business tax and I can see where they're being penalized. They're only making a living there the same as the rest of us, and I know many of the small businesses- I doubt if they're making any better living than the rest of us, and they're paying 3 to 4 mills more and the business tax. Have you got anything to say Everett?

MR ELMHURST: I'd like to say that while this is happening in our municipality, it's probably happening in all municipalities, and that is the reason we call it to your attention.

MR BECKETT: Well thank you again...oh excuse me...

MR STEVENSON: You asked the question do we have any other problems of any nature (that's right) and we have one..about a year an a half ago, we had a cottage area-not a large cottage area, where there is one man engaged in keeping poultry, and he enlarged his business ;and the cottage owners in that area came to us with the complaint that he wasnt keeping refuse in proper order and it was causing a nuisance in the line of rats, and also a very noxious odor. And we have no, shall I say, Land Use Act in the township so we undertook to set up a Land Use By-law about three years ago, and we ran into all sorts of complications. We were wondering if something had been done in the meantime to simplify this Land Use By-Law.

MR BECKETT: How about your medical officer of health?

MR STEVENSON: Well, may I say, at that time the word had got back to the owner and he had already cleaned up the place.

MR BECKETT: The medical officer has very wide powers; but there is a branch of the Department of Municipal Affairs, and I'm sure when you're down here, you could go to see Mr Nash-the Planning Branch-and they could give you a lot of assistance in land use...

MR STEVENSON: Maybe the clerk could explain this try

that we had in making a land use bylaw.

MR BRECKENRIDGE: We were up to see them at one time, and apparently what we were going to have to set up was...we didnt have the set up...it was just too small and too...you have to set up restrictions and a zoning bylaw and so forth like they do in certain parts of the Township and it just looked to us that it just wouldnt work out at that time.

MR BECKETT: But there's nothing to prevent you from passing it if you have an official plan or not-passing a zoning bylaw which applies to a certain section and then go before the Municipal Board and have it passed and that will control your chap with the poultry.

MR SINGER: What is your annual budget in your township?

Mr Breckenridge: Do you mean for everything? (Yes) around \$75,000 to \$100,000 with the school rates and that.

MR SINGER: How many permanent employees do you have? Are you a permanent employee?

MR BRECKENRIDGE: Part time. Most of the jobs are not full time except the Road Superintendent.

MR BECKETT: Even if they're not full time, they havent any problems. (no)

MR EVANS: What's your road subsidy?

MR METCALFE: 50%.

MR BELISLE: Do your neighbour municipalities get 50% too or more?

MR METCALFE: I think in the southern part of the county, we're all getting 50%; but there are five townships in Peterborough County that are getting 80%.

MR EVANS: Are most of your roads paved or gravel?

MR METCALFE: All our county roads are gravel roads.

MR BECKETT: You're not troubled with conflict of interest between the members of the council and your business (no) Well thank you and if at any time we can be of any assistance, we'd be glad to help; and we'll consider your problem. Thank you.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-NINTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
AUGUST 22nd, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rhéal Belisle
Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer

APPEARANCE:

A. A. Williamson

PRESENTATION:

TOWNSHIP OF SOMERVILLE - BRIEF

TOWNSHIP OF SOMERVILLEHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well Mr Williamson, can we start by discussing your problems, if we may call them that, with the Committee

MR WILLIAMSON: Mr Chairman and Gentlemen, the reason I'm here is to discuss business properties and business assessment, under the Assessment Act. It may have been all right in John MacDonald's time, where they had only two or three residents, maybe a trapper and a farmer and a store keeper and they figured the store keeper had money enough to stock his store, he should be able to take over more of the liabilities of his municipality. In my opinion, those days are past and there are so many professions today that remuneration is far beyond the little storekeeper, the barber, the corner grocery and so on; and yet the same business legislation applies to those individuals who are operating on their own capital, on their own private capital. I'll go along with you 100% as far as stock companies and corporations- yes. They employ financial assistance and those people are looking for fair game, and I don't see any reason why the government should subsidize those people. But when it comes to the smaller private individual, those taxes started out to about 25% of the assessed value of the property, and then the unconditional grants came along, and now last years, there's \$15 pupil attendance in the schools, and it's crept up into a sizable amount as far as the business person is concerned. Therefore, I might just suggest that legislation might be passed which would abolish all business tax in rural municipalities having a population less than 5000. Take all the municipalities I know of up in our territory, very very few of them have any assessment there that gets into the corporation category. We have no person in Somerville Township...the persons that we have under the county up there are the grocer, the barber, the sawmill who is operating individually under his own capital. We have no large business and there's no enticement in these smaller municipalities for to bring in the bigger concerns; therefore I think it

would be very safe to pass legislation that would exempt rural municipalities under 5000 population- exempt them from business tax.

MR BECKETT: Would there be much loss of revenue, do you think, in those municipalities?

MR WILLIAMSON: No, there wouldnt be any loss of revenue actually-the only thing there would be a more equal distribution of the cost of operating the municipality, instead of piling twice as much on the grocer in taxes as the farmer, who perhaps can go down and buy 100 head of cattle and ranch them all summer, and he makes more money than the storekeeper even thought of.

MR COWLING: Where is Somerville?

MR WILLIAMSON: It's north of Lindsay; Lindsay is in Elgin and then there is Fenelon Township and Somerville Township; we are right up against the border of Haliburton County; but we're in Victoria County.

MR COWLING: Have you talked to any other municipal people on this idea of eliminating the business tax?

MR WILLIAMSON: Yes, yes and I regret to say that in some instances, you talk to a farmer, well he thinks right away that maybe it's going to cost him considerable more; he really doesnt understand; but you talk to the more aggressive type in the villages, and they're....

MR COWLING: You're not saying that the types in the villages are more aggressivethan the farmer?

MR WILLIAMSON: Not today...the farmer has got to step on it today, boy, if he wants to survive; and he's got to have a good deal more capital than in the old days. In the old days they called themselves farmers but they really werent. (chit chat)

MR COWLING: Then your thought was that the local merchant who is now paying both reality and business tax, could be relieved of the business tax and it could be placed over the whole township, and it really wouldnt make much difference to any person.

MR WILLIAMSON: Not to any person in the rural municipalities. Take the Town of Lindsay, they wouldnt come into this; but they've got types of business there which warrant the legislation

that you've got today, but not in the rural municipalities.

MR COWLING: Is there any reason why you arrived at say, 5000 population?

MR WILLIAMSON: Well yes, I would say that I don't know of any municipality north of Lindsay or up in that territory that has a population of 5000.

MR BECKETT: What would you think of a poll tax being put on instead of the business tax, on every single man or woman over 21 years of age; in some parts of the province they have to pay \$15 a year poll tax.

MR WILLIAMSON: That has its disadvantage in this way that it's a hard tax to collect.

MR BECKETT: So is business tax. Business tax is not a tax against your property, you know.

MR WILLIAMSON: But we seem to get away with collecting it. (laughter)

MR MORROW: What do you think of putting the poll tax on the female population-these rich widows and so on, they can very well afford it, do you not think so? (laughter)

MR COWLING: You're getting some loaded questions.

MR WILLIAMSON: I'm not too familiar with that; we have not got any rich ladies in our district. (laughter)

MR BECKETT: This would be a poll tax or head tax, whatever you'd like to call it; isn't that a fair tax?

MR WILLIAMSON: It's definitely a fair tax; and it is very very unfair to tax the property owner and leave out the single person. And there's so many of them earning good wages.

MR MORROW: Seriously though, there's no reason why it shouldn't be on the female as well as the male?

MR WILLIAMSON: Oh no, no. I tell you today...I can give you an example where I have two nieces-they're both married, and the men are drawing down more than \$100 a week, and the women, and both of them have two children, and the women are doing almost as much, and why shouldn't they?

MR MORROW: The thing about the single male, he pays poll tax and the single female should too.

MR WILLIAMSON: I know there is legislation in Oshawa and they often write up to me to get exemption that they own property or that they live in Somerville Township in order to get away from the poll tax. (chit chat re who is single) I don't think there should be any distinction between a male or a female; because the ladies today they get the same franchise and they're making good money

MR MORROW: You said this morning, Mrs Rowan, I believe that you wouldn't have any idea how many of these people pay business tax in the municipalities of 10,000 and under?

MRS ROWAN: Well we can find out how many are paying in that category; you know in that questionnaire, we got 340 usable returns. Now those could be analyzed to find out how many there are. The question asked this morning was those that paid 35%. Now there are a number of different classes of people that come into that 35% or that same category; and I didn't ask them to break it down -the percentage categories- by type of business. So there is a limit to how far you can take it. But I can tell how many are assessed at 35% and how many are assessed in municipalities of a certain size.

MR MORROW: I was just wondering if all businesses were exempted in municipalities of 10,000 and under, I wondered how many would be affected and how much tax.

MR EVANS: Mr Williamson, how much business tax would you collect in your township?

MR WILLIAMSON: Roughly, I would say about \$8,000.

MR BECKETT: How would you make that up then?

MR WILLIAMSON: The \$8,000 would be equally collected from all the property owners.

MR COWLING: And how many property owners would you have?

MR WILLIAMSON: Roughly, between 1700-a few more or less.

MR COWLING: 1700. So you'd work that into \$8000 \$5 each about. (yes)

MR BECKETT: And how many would be farmers?

MR WILLIAMSON: We havent many; in fact the taxes for the most part in Somerville County...not many farmers but an awful lot of cottage owners.

MR BECKETT: Do they pay 100% of the school tax? Or do you give them any concessions?

MR WILLIAMSON: They pay the same tax as everyone.

MR EVANS: Are many businesses going out of business because they're paying so much...too large a business tax.

MR WILLIAMSON: I dont say they're going out of business although they dont relish the idea of going into business with so much taxes put on them. And the ones that are in business, they're kicking not too strongly, but they know that they're discriminated against.

MR MCRROW: I dont think you should charge those cottage owners 100% school tax; some give them 50%. We've had delegations in here that only charge them 50%.

MR WILLIAMSON: Well it's against the law, and we've got into so much turmoil last year doing things that were for the benefit of the cottagers, and then had it thrown back in our faces again; so that we're afraid to step out of line at all.

MR BECKETT: What percentage do you assess on- 40% or...percentage of assessment as to value? What's your basis of assessment?

MR WILLIAMSON: It runs around 70 mills.

MR BECKETT: No no , a summer cottage is worth \$5000.

MR WILLIAMSON: Oh I see what you're getting at. We have been assessing at one-fifth. Now your assessing department comes in there and spot checks us, and you may use one-third, so all you have to do is multiply your figure by three or ours by five and they come together.

MR BECKETT: To get actual value, we multiply yours by five. (yes)

MR EVANS: Have these business people made a presentation to the council?

MR WILLIAMSON: No, they havent. The council just talked it over, and we talked it over with other councillors, and

and they feel this is our feeling. It wasn't so bad when it was just on the assessed value of the property, but now with this unconditional grant, it makes a difference of 4 mills in our township and another 3 mills for school taxes; it's 7 to 8 mills.

MR BECKETT: Have you got any villages?

MR WILLIAMSON: Well we have part of a village and we have a small hamlet, Burnt River and then Kinmount village which has about 400.

MR BECKETT: You've got two stores in Kinmount.

MR WILLIAMSON: Yes, there's two grocery stores, one is a fair size and the other is just a small one.

MR BECKETT: Any other points that you'd like bring to the Committee?

MR WILLIAMSON: Yes, I'd like to say that in dealing with the business tax provision in respect to the grants that are made to the municipalities, you wind up with a great deal of mathematical figures in order to arrive at the mill rate, and I think that you will agree with me that in many of these rural municipalities, the personnel are not qualified in these municipalities; and when they are not qualified, then the good horse is doing the drawing. They're not capable of breaking down these grants and distributing them between the residential property and the business property, and doing it properly. Now you might simplify the whole thing by raising the sliding scale of business tax from 25% up to 35%. Now I think if you figure that out, you'll find that they will get very little of these two grants-in paying 10%; and yet they'd be losing out on the grant, and it would simplify all the figures.

MR EVANS: Mr Chairman, I'm not quite clear on what Mr Williamson says there that by adding business tax, then you lose out on the grants. Could you clarify that?

MR WILLIAMSON: Well first the unconditional grant-you have to figure up the business assessment and the farmer and cottage assessment; and then you forget that you receive an unconditional grant at all and you figure out your mill rate. All right then you take your assessment on business tax and figure out how much you're

going to make out of it and how much are the grants and then you deduct that from the total amount of money that you require, and then you deduct your unconditional grant and then you find out

MR EVANS: Farmer and resident.

MR WILLIAMSON: Yes that's in dealing with the unconditional grant. Now then when you come to the school grant. This starts off in a similar way. You have to have the assessment of both categories and you take 10% of the residential tax and you add that to the business tax, and then you find the mill rate. Now I'm not too clear on this latter one because I've never processed it yet; but I expect I'll have to help them this year.

MR BECKETT: In the first instance, business tax is not taken into consideration; it's the land and buildings in the first instance.

MR WILLIAMSON: In the unconditional? (yes) no you have to put it in the first instance. You figure out your unconditional grant and you figure up how much you have on your roll, as resident, cottage, farmer assessment and then you have to break down the assessment that shows the business tax on the roll. Now say it comes to \$100,000 and the residential tax assessment comes to \$900,000; all right you take the \$1 million and you find out what the mill rate would be, forgetting that you are getting an unconditional grant. And then you use that mill rate against the persons who show a business tax- against their properties; and you find out how much money you're going to draw from that and deduct that from the total amount you require, then you reduce it then by the unconditional grant and then you take your \$900,000 and arrive at what it is. That gives you two millrates which fluctuates in our township by possibly five or six mills.

MR EVANS: This doesn't reduce though the amount of grants you get.

MR WILLIAMSON: No, no, no; the grants are based on the population.

MR EVANS: Yes. But by adding the business tax in

there, it doesnt reduce your grant. (no) I thought you said it did.

MR WILLIAMSON: No no. The only advantage this other system of raising your sliding scale, it will do away with all that manipulation of figures by the clerk.

MR EVANS: You think that residential and commercial rate should be the same thing?

MR WILLIAMSON: Yes, the same millrate and I think they would feel a lot happier about it too, and instead of 25% raise it to 35%.

MR EVANS: One mill rate and raise the business tax?

MR WILLIAMSON: Yes one mill rate all the way through, and we would then all have the same mill rate and it would benefit many because we're losing it on the amount of assessment. Now to go on, about three or four years ago, we had legislation that no person could audit municipal books unless he had their permission.

MR BECKETT: He had to be certified.

MR WILLIAMSON: Now this was the best legislation we ever had because there was some auditing that was terrific. Now you could very well apply that same thing to the filling of applications for municipal jobs.

MR BECKETT: What about assessors?

MR WILLIAMSON: I include assessors in that. We have a very good example in our township, and I must say I'm concerned about it and I might explain that last year I told them-the council- that I was going to retire this year and to hunt around to get some person to replace me. And I suggested that they hire somebody...some one man to take on the three positions, of clerk, treasurer and tax collector and he would be in the office at least five days a week, full time.

MR SINGER: You werent on a full time basis.

MR WILLIAMSON: Not until the last couple of years; I was never paid for full time, but I often worked full time. And at the beginning of the year, I gave up the job. And they asked me to stay on as clerk, and they advertised for a treasurer and tax collector.

MR SINGER: At what salary?

MR WILLIAMSON: At \$1200 a year. About 5 or 6 applied and none of them-not one qualified. No qualifications whatever. Most of them were more political minded than anything else.

MR SINGER: They would be local residents? (yes)
You wouldnt desire anyone from outside.

MR WILLIAMSON: No, no one from outside at all. And it was too bad to break up the job-it should have all been given to one person, and give him a reasonably decent salary however they hired a very bright married woman with two children-she should be at home looking after them-she's the treasurer and tax collector. She works Wednesday and Friday; no person has found out what day she is working, so it doesnt matter too much.

MR SINGER: What experience did she have?

MR WILLIAMSON: None whatever. She worked for Peterborough General Electric as a stenographer for about five years before she was married.

MR SINGER: Good training for a clerk-treasurer.

MR WILLIAMSON: Yes. I'll admit she is clever enough, but she needs a lot of drilling to get into line to get out the work without losing money.

MR BECKETT: She's not assessing though?

MR WILLIAMSON: No, she's the treasurer and tax collector.

MR EVANS: Mr Williamson, do you think it would be possible for ...instead of having so many different councils, we have one big council to look after a number of the municipalities and then be able to hire somebody full time to do a good job, in other words, on a county basis instead of the local municipality?

MR BECKETT: and have a county assessor?

MR WILLIAMSON: The county assessor never did us any good. If the township would combine the offices and offer \$3600, I think they could have had an experienced person to come in there...

MR SINGER: Full time?

MR WILLIAMSON: Well they dont require a person to work full time; I didnt have to do it. I did a little lumbering...

MR MORROW: And hunting and fishing?

MR WILLIAMSON: But you have to be there every day for some part of the day. Now we're finished with that one. Now the next thing they required was an assessor. The assessor, Mr Brohm, they didnt give him a very good deal. He was assessing and using his own yardstick, and along came the Dept and sent in Mr Jolley from Peterborough and another gentleman and they did spot assessing, and mind you, they werent too far out as far as Brohm's estimation of values; And then the County Assessor came in and assessed so many properties- I dont know how many- and he said: Here Mrs Binkley, your property is assessed at \$600 and it should be \$1000, and it's got to be. And he goes out from there, and he raises the rest of them in the hopes that he could get back and bring these others up a little more. The result was that there are about 100 properties that are assessed too low, and the others are assessed to the county's standard.

MR SINGER: You've got three standards then, the Dept's standard, and Brohm's standard and the County Assessor's standard.

MR WILLIAMSON: Yes. Then the cottagers kicked to the council and the Reeve, he jumped Mr Brohm two or three times, and along with the dissatisfaction and so forth, he said: I appreciate the pleasure and do it yourself. So they advertised for an assessor

MR SINGER: How much did they offer?

MR WILLIAMSON: \$1000. So the Reeve had a brother-in-law, a married man with not too much education, and they talked him into being the assessor and they gave it to him. I was getting sicker all the time, so I said I'm getting out, and I pulled out. And then they advertised for a clerk for \$1,200 and they got 3 or 4 applicants but none would do so they advertised again for \$1400; this time they got 6 or 7, and they wound up by giving the clerk's job to the assessor who was not capable of it.

MR SINGER: He's the Reeve's brother-in-law?

MR WILLIAMSON: Yes, and he's not qualified to do the assessing a let alone the clerks job.

MR SINGER: What education does he have?

MR WILLIAMSON: He passed his entrance.

MR SINGER: : and he's the clerk-assessor?

MR WILLIAMSON: Yes, he's the clerk and the assessor.

MR BECKETT: Then Mr Williamson, would you or would you not agree that it should be done from a larger unit, maybe doing assessing only.

MR WILLIAMSON: I think you've got a lovely idea there, but it would never go down in the municipalities.

MR EVANS: You mean the ratepayers wouldnt stand for that? (yes) You think they would consider it taking away their local autonomy? (yes)

MR SINGER: Dont you think they would be in favour of some efficient operation?

MR WILLIAMSON: I would suggest that you pass the same legislation that you did for auditors, that township auditors must pass an examination. Now if you did the same thing that municipalities that require clerks, treasurers, assessors, tax collectors, you would be taking a load off the council if you required that they pass an examination; because they're bending backwards to get votes, but at the same time they know they're not doing the right thing.

MR COWLING: I take it, Mr Williamson, that you're not interested in running for a local office? (no)

MR EVANS: The local council- are they all residents there or are they? (yes) none of them are cottage owners? (no)

MR COWLING: Dont you think it would be a good idea to relieve the local council, if they're so interested in votes....

MR WILLIAMSON: Yes I do and if you pass legislation

MR COWLING: Well why should we? Why not them?

MR WILLIAMSON: They wont do it because they would think the rate payer would be after them the next day.

MR SINGER: No, they wont do it. What's the population?

MR WILLIAMSON: A little over 1100.

MR SINGER: And your annual budget?

MR WILLIAMSON: It runs around \$85,000.

MR SINGER: For the salary you are going to pay your clerk and your assessor and your treasurer-part time work-surely you're not going to...you'd have to have educational standards and examinations and that sort of thing-you're not going to attract...

MR WILLIAMSON: The very fact that you stipulate that they must pass an examination, that alone will definitely set them off. They're not going to try examinations when they know they can't pass them.

MR SINGER: This is true but the point I'm making, that is with an annual budget of \$75,000, and say you are going to shut off the inefficient ones, you're not going to attract anyone unless you're paying \$7,000 - \$8,000 - \$10,000 -anybody that's worth while. You're not going to get a young man who's spent time in getting an education and then studying this particular subject, then go up there for such a small salary.

MR WILLIAMSON: I understand they have a school now in Kingston...

MR SINGER: Yes, a correspondence school.

MR WILLIAMSON: And some of these people if they're interested....you must remember in our municipality, there's not too many who are making \$3,000 a year; so I think this is different from down here and they would be very pleased to take \$3600, that is prepare themselves with a course.

MR BECKETT: A full time job? (yes)

MR BELISLE: The youngest university in Ontario, Laurentian, initiated a business and municipal and administration course last year; and I believe we had 26 last winter.

MR BECKETT: What is the occupation of the members of the council?

MR WILLIAMSON: The Reeve is in the lumber business, sawmill type; he operates a planing mill in Norland. The Deputy Reeve is a farmer and a carpenter; the councillors, one is a farmer and he also takes care of the telephone line, and Fred Rumney is a farmer and does odd jobs; he has a bulldozer.

MR EVANS: How many voters are there?

MR WILLIAMSON: Resident about 700.

MR EVANS: How many people can vote on a money
by-law?

MR WILLIAMSON: About 400.

MR EVANS: How can you have a deputy reeve?

MR WILLIAMSON: That I cant tell you; I know you have
to have a population -voting population of 1000.

MR EVANS: 1000 voting on money bylaws.

MR WILLIAMSON: Yes. I know there are some others not
as populous as we are and they have a deputy.

MR SINGER: Do the council draw a salary?

MR WILLIAMSON: They draw approximately \$150 a year.
(chit chat re Head Lake)

MR BECKETT: We've had some Briefs in favour of a
county form of government.

MR WILLIAMSON: No, I dont think we would favour it.

MR MCNIEL: What subsidy do you receive on your
roads?

MR WILLIAMSON: On roads we receive 60%.

MR EVANS: Do you have any county roads in your
township? (no)

MR MORROW: In asking us to regulate municipal coun-
cils, it gets us into a lot of trouble.

MR BECKETT: We kind of like permissive legislation.

MR WILLIAMSON: Yes, that is of course...democracy.
(chit chat re elections)

This year I understand the Tourist Association is going to run a full
slate of tourist...

MR BECKETT: Non-resident.

MR WILLIAMSON: Yes, non resident. And if you want to
see another Berlin crisis, you want to just listen in on this
(laughter)

MR EVANS: What percentage of the taxes do the
cottage owners pay?

MR WILLIAMSON: Approximately 52%

MR MORROW: Shouldnt they be represented?

MR WILLIAMSON: Well it would be possibly nice if they had one in the council, yes, but you must remember that the most of inhabitants of the rural municipalities are citizens -they've been born and raised there and once somebody comes in from the outside...

MR BECKETT: They're really foreigners...

MR MORROW: Yet they're depended upon to finance half of the township.

MR COWLING: They're just tourists after all.

MR WILLIAMSON: Well....now the same law applies to us if we purchase a building here in the City of Toronto. We dont have to live in it but we still have to respect the same legislation that you've got here; and therefore you cant allow the people who come to live there in Somerville Township from Toronto, and expect us to do differently.

MR COWLING: If you come into the City of Toronto and buy a building....I dont just follow you after that.

MR WILLIAMSON: I have to pay the school tax; I have to pay the road tax.

MR MORROW: But you would be living here the year round, not just for two months.

MR WILLIAMSON: No, no. But can you tell me where what and how a judge with the statutes that say: You must live within the municipality or within five miles of it in order to stand for council, how in the world that he could define residents....

MR BECKETT: Put that in reverse now. With your winter conditions, you moved into the City of Toronto for six months of the year the same as the tourists live up there in the summer, and maybe you could be qualified to run for Toronto City Council.

MR WILLIAMSON: There's two or three townships, one is Verlin Township which is a big township and they've got a tourist population there that's quite....

MR MORROW: To use a colloquialism, they're beginning to feel their oats, and they're wanting to have a say now because of the amount of money they're bringing into the township, and as you

know they're stirring up a little in Muskoka and down in Carleton, and they're starting to rebel because of the monies that they're paying and no say. They feel they're being gouged a little bit.

MR BECKETT: Do you think that principle is wrong that every taxpayer is not qualified to sit on council?

MR WILLIAMSON: No, I say that only local citizens should be allowed to rule and regulate their municipalities.

MR SINGER: Where their residence is established.

MR WILLIAMSON: Yes, and I think that the government should define the word "resident" and do it right away; because if this thing ever boils over, I'm telling you, it's going to cause more bad feelings...

MR MORROW: It's working up now.

MR WILLIAMSON: Yes, and this might mean that a whole lot of cottages might burn down in one year.

MR COWLING: Well that's laying it right on the line and that's good.

MR BELISLE: Mr Chairman, what is your own definition of the word "resident"; you say define it.

MR WILLIAMSON: Well a resident is a person who resides ten months out of the year in that municipality. Now he may go south for the winter two months, and he'd still be a resident of Somerville Township.

MR SINGER: Would you say it is a good principle that there should be no taxation without representation? This caused a lot of trouble in England some years ago, and in Boston too.

MR WILLIAMSON: Yes, I see what you mean, but there's a great many laws in our province which are just as much out of line probably, and yet it governs a certain type or class of people. I think there should be a line drawn between the resident and the non resident.

MR BECKETT: We could have a municipality where nine-tenths of tax payers are non resident too.

MR WILLIAMSON: Yes. It would be nice if there was any possibility of legislation where one outsider could come in to sit

on council.

MR MORROW: And have representation for that group.

MR WILLIAMSON: Yes, it would certainly be nice.
(chit chat re groups)

MR SINGER: If a man pays, he has a right to have something to say.

MR EVANS: Isn't this the big argument with county councils as a matter of fact. The fellow that pays hasn't enough votes.

MR COWLING: Yes, but it's a little different situation here, Mr Chairman, where people are being in a place three weeks or a month out of twelve, even though they pay more taxes, they are living in the area for one month out of twelve. It seems to me they shouldn't have too much to say about the local people for the other eleven months.

MR MORROW: It wouldn't be feasible or sensible to own a cottage for the use of three weeks or one month.

MR COWLING: These people that were here before talked about the number of Toronto residents who are retiring to these summer places and living there all the year; well you're not objecting to those people.

MR WILLIAMSON: No, no. What we're finding is that in the rural municipality, and this would take in the greater majority, there's no question who's making very much money. The average wages of any employee is around \$1 an hour. Now you've got to set your rule of taxation according to that man's pocket; and if you will allow men to come in and take over the running of your municipality, men who are drawing down \$5,000, \$6,000, \$10,000 a year, they are going to have a far different view of the payment of things; and the result is that our people just can't stand that; we're running and ruling our municipality as cheaply as possible in order to keep the taxes from getting beyond their needs.

MR COWLING: I agree with everything you've said. Those people who were here the other day, I couldn't be sympathetic to that because the people that were mentioned were all people....

MR MCNEIL: Of \$5,000 a year?

MR COWLING: Yes and a lot more, and their local operation of the small community certainly wouldnt be the way that you would do it.

MR MORROW: They'd have you in an affluent society in no time.

MR BECKETT: Mr Williamson, we had a representation from the people of Muskoka, and they were averse to you. They, in fact, felt that they have the right to govern.....(all talking about other Brief)

MR EVANS: Mr Chairman, I'd like to ask Mr Williamson about their highschoools; is it a county high school?

MR WILLIAMSON: Yes, a county high school, operated by the county. The county collects the debenture, but the school operates under its own steam and maintenance costs are distributed around to each municipality according to their equalization. This is equalized assessment equalized by the county assessor. In our township, our local assessor has \$1,140,000 out of our tax bills, and we're equalized in the county at \$1,800,000; so that we pay approximately 40 mills in the whole township.

MR EVANS: Well Mr Williamson, wouldnt you be paying a big share of school taxes; in other words, you'd be educating other people's children.

MR WILLIAMSON: Maybe, I believe so. This county set-up is costing us a lot of money, but I believe it is the most economical way of getting children to school and giving them the best education.

MR BECKETT: What else do you get out of the county besides secondary education?

MR WILLIAMSON: We get a home for the aged, Children's Aid Society, administration of justice.

MR SINGLER: Do you get policing? (no)

MR MORROW: No public health? (all talking)

MR WILLIAMSON:welfare officer and one man

who sits on the Committee.

MR MORROW: No county health?

MR WILLIAMSON: No, we have no county health.

MR BECKETT: That's very fine, Mr Williamson; we appreciate your coming down and giving us all this information....

MR COWLING: And your very frank comments.

MR WILLIAMSON: Thanks awfully, and I want to thank you for the invitation to come down.

MR BECKETT: It was very worth while; thank you very much.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE TWENTY-NINTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

WEDNESDAY,
 AUGUST 22nd, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

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MRS E. EATON

Asst. Secretary

J.A. TAYLOR

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Rheal Belisle
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APPEARANCE:

Dr J. Lawson Mackle
 Mr G. B. Rumble
 Mr W.C. Covey
 Mr V. Willadsen
 Mr N. Butler
 Mr R.A. Giles

PRESENTATION:

BRIEF- THE JOINT BOARD OF ONTARIO TRAVEL ASSOCIATION

THE JOINT BOARD OF ONTARIO TRAVEL ASSOCIATIONSHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Dr Mackle, will you introduce your delegation?

DR MACKLE: Mr Chairman, and Members of the Committee, it's my privilege and honour to introduce our delegation to you this afternoon. First of all, we would like to thank you for giving us your time and inviting us here to state some of the problems that we have in the tourist industry. Now as a quick resume, I might say that in 1954, the Association of Tourist Resorts in Ontario, who run the American Plan resorts, started out on a public relations campaign in Ontario and Quebec. We were joined in 1956 by the OTCA which is Ontario Tourist Courts or Motel people; and in 1958, we were joined by the Northern Ontario Tourist Outfitters Association, who cater to hunters and fishermen. Altogether this deputation here today represents about 1600 tourist operators across the Province of Ontario, and that's where we get the name, The Joint Board of Ontario Travel Association. We meet about 3 or 4 times a year, and the two Directors from each organization meet, and are elected to the Board, and therefore we feel that in coming to a Committee such as yours, Sir, that we are expressing the opinion, not of one segment of the tourist industry, but we are giving you the opinions from the only three provincial wide tourist organizations in the province. Now that in brief is who we are. The members of our delegation today, Sir, are Mr G.B. Rumble, Chairman of the Joint Board, Ontario Travel Association, and he is also First Vice President of Ontario Tourist Association. We have Mr Walter Covey, who is President of Ontario Tourist Courts Association; we have Norman S. Butler, Past President of Ontario Tourist Courts Association; Mr Von Willadsen, Secretary-Manager of the Ontario Tourist Courts Association; Mr Robert Giles, Secretary-Manager of the Northern Ontario Tourist Outfitters; and myself; that, Sir, is our delegation.

MR BECKETT: Thank you Dr Mackle. Mr Rumble you may proceed. You may be seated and proceed as you desire.

MR RUMBLE: Mr Chairman and Gentlemen, we have repeatedly put Briefs into the Legislative Committee on Travel and Publicity, and most of our complaints or suggestions are included in this Brief dated March, 1962. On page 2, under Tourist Establishment Licences, I would like to read to you. (reads) "The tourist operator, and more particularly.....of Tourist Establishments."

MR BECKETT: What license do you pay to the province?

MR RUMBLE: \$10.

MR BECKETT: Are they all \$10, no matter what size they are?

MR RUMBLE: If you're a resident of Ontario, it's \$10; if you're a non-resident, it's \$50.

MR EVANS: What license would you pay to a local municipality on top of this?

MR RUMBLE: In my operation I don't pay anything, but these other gentlemen operate motels particularly and they might be able to tell you what the charges are.

MR BECKETT: Can any of you gentlemen tell us what municipal license you pay?

MR BUTLER: They are various amounts ranging from \$1 per unit to \$12 a unit.

MR COWLING: Section 413 of the Municipal Act.

MRS ROWAN: Now it is 401, paragraph 15.

MR BECKETT: It isn't universal then throughout the province as far as you know in all municipalities in their by-laws.

MR GILES: They may not all make use of it, Sir. And there is no maximum set; they may charge \$20 to \$50 a unit if they wish. Many tourist operators are paying several dollars a year as a license fee.

MR BECKETT: As long as it doesn't become prohibitive.

MR GILES: You must remember that these people are paying the same business tax as anyone else. As an example, you might have a motel situated on a highway or in a municipality, and right next door is a licensed hotel under the LCBO. Those people are accommodating the same type of people-the travellers on the road,

the one sells liquor and the other doesnt; a man who sells liquor doesnt pay any municipal tax as such, but the motel has to; we think this is unfair.

MR MORROW: I suppose it arose by, first of all the Municipal Act and then the Dept of Travel and Publicity started to regulate the tourist industry, and they also brought in a license to sort of have some control over it.

MR GILES: This licensing was set up originally in the war days when we didnt have the motel set up we have today; in those days they were more or less overnight cabins and cottages. They were occupied mainly by war workers and so on in these towns who had families who were going to school, and these people needed police protection and so on; and in order to cope with that, the municipalities were given the authority to levy a license fee against these places to....

MR BECKETT: To help pay school taxes.

MR GILES: That was the situation, but that has long since gone; and we feel that this dual licensing is certainly not justified.

MR EVANS: You wouldnt get any services from the municipality?

MR GILES: Absolutely no other services-nothing additional that nobody else gets; and the way they set it up by X number of dollars per unit...as an example of this, \$6 per unit, and a man has ten units in a motel, then he's paying \$60 license fee to operate that in addition to what he might be paying to...if he's a non-resident, then he's paying \$50 to Travel and Publicity; if he's a resident, he pays \$10. And he gets no extra services whatsoever-absolutely none. And he's still subject to all of the municipal taxes that businesses are subject ot.

MR COWLING: Are all the municipalities doing this?

MR GILES: No sir, they're not, just those that happen to catch the Act.

MR BLCKETT: No, but as you say, after and during

the war around Metropolitan Toronto, there was quite a headache in the municipalities, people living in tourist camps and cabins and trailers, and the municipality was not getting any revenue except...

MR GILES: It was justified in those days but it is not in the present day.

MR COWLING: I think the operators are quite justified in this recommendation, Mr Chairman, and we said so at the time you presented it before. And I think this Committee is in a position to make a strong recommendation. The times are entirely changed to what it was when this came in.

MR BECKETT: We had a deputation here this morning that said that everybody in business should be licensed.

MR RUMBLE: When they originally started to license all resort establishments, the Department of Travel and Publicity asked the Municipal Board to do it, and first we were licensed by the township and then Travel and Publicity took it over from there, and their argument at that time...at least their reason for it was they were in a position to get everyone on the list, which might be a more difficult job for Travel and Publicity because they were familiar with their local areas. I know our township clerk, I paid the first year but the second year he didnt charge me because at that time it went into the municipal coffers. But presumably our township withdrew it, but it wasnt so everywhere.

MR BECKETT: Would you prefer the province to the municipality licensing?

MR RUMBLE: A lot of the municipalities where we operate are in a position to provide nothing. We dont even have a health unit; and Travel and Publicity gives all the inspection we get. They certainly should be the ones to license. (chit chat re dual tax)

MR BECKETT: Well we'll take that into consideration. would any of the delegation like to say something on this?

MR COVEY: I feel Mr Giles has explained our situation very clearly.

MR GILES: I might add to that, Sir, that in some

municipalities we had a situation a few years ago and we appealed to the council-it took a lot of persuasion, but finally they said: OK, we'll forego it. But they started out at \$5 per unit and raised it to \$10 per unit, and that's where our people started a real squeal, and we eliminated it ourselves; but that's only locally. We think it should be deleted from the Act, because the way it is now any municipality may enforce it.

DR MACKLE: And there's nothing to stop a municipality from increasing it from year to year.

MR GILES: That's right; there's no ceiling on this thing at all.

MR BECKETT: All operators then are licensed by the province?

MR GILES: Yes, they qualify under the Tourist Establishment's Act, and they must be licensed under that Act.

MR RUMBLE: The other item is the business tax on seasonal businesses; this is covered in page 10 of our Brief. We feel (reads, top of page) "the present method.....of tourist operations."

MR BECKETT: You started off by saying that it was a wrong basis or not a proper basis. "It is very detrimental to the tourist industry" You perhaps don't agree with the basis, that is the basis fixed on the amount of assessment for land and buildings. Do you consider it should be on the revenue from the business and not on the land and buildings assessment?

MR RUMBLE: If it were that way, it would certainly be more equitable than it is today. Most operators are assessed far in excess of the value as against the revenue. Most of the American Plan Tourist places I'm thinking of, practically all in Ontario, are the outcome of family endeavour, and I don't believe there is any one of them could realize, based on their revenue, could realize what they have invested. In other words, nobody is buying a resort for an investment.

MR BECKETT: The municipality in which your establishment is, is the percentage of assessment 20% or 30% or 40%?

MR RUMBLE: 25% in the case of tourist operation.

MR BECKETT: No, I mean not the business assessment, but the percentage of your land to your actual value. Supposing your place is worth \$50,000-is your assessment 20% of that or 30%?

MR RUMBLE: I dont know; I couldnt tell exactly in mine-I didnt review it.

MR BECKETT: I'm just trying to say that on top of that then, you pay your business tax...on top of that?

MR RUMBLE: Once they arrive at your land and buildings, then they take 25% on that for business tax.

MR BECKETT: If your assessment high according to your actual value?

MR RUMBLE: I think it is in our municipality 35%; it depends on the county assessor.

DR MACKLE: Some are 40%.

MR BECKETT: So in some municipalities then there would be a higher business tax because their assessment is higher; it's based on assessment.

MR RUMBLE: In my own case, I have swamp land, and part of this is no use at all except it gives me elbow room. The Court of Revision ...and there was a farmer appealed his assessment of \$10 an acre on land you cant pasture-it's swamp. They reduced his assessment to \$3. I used the same argument, and they said: You have not got any cattle, so they reduced mine to \$7, but it is the same type of land.

MR BECKETT: Do you pay business tax on that swamp land too?

MR RUMBLE: Sure, that's our argument. But this is in our Brief and it explains itself as we go along. (continues, page 10, para 5) "We feel the business tax.....for living quarters." We feel that our homes shouldnt be considered part of our business. In many instances, where other people...for instance a man in the shoe business has an apartment above his shoe store; they dont assess his apartment as part of his business for business tax. Then too our staff quarters are assessed as part of our business....

MR BECKETT: That might be a little different...

DR MACKLE: But suppose we were in a city and you employ the staff in the city. They'd go home at night where they live. I wouldn't be paying business in my factory or my office for the living accommodation of my staff; so why should I pay it when I'm operating a resort, in which case we have no transportation to get rid of the staff at night—we'd sooner get rid of the staff at night—they're just in our hair when supper is over. But we've got to pay... any American Plan resort that's operating today, we've got to pay 25% on their sleeping accommodation which is occupied by the staff. So we're not only paying general assessment, but we're paying business tax on the rooms that the staff occupy. And I'm paying business tax on the rooms that my wife and son and I occupy in our own hotel. If I built a cottage on the other side of the fence, they wouldn't come over there and charge me business tax, but the fact that I live in the hotel, I pay business tax on it. And it's got beyond all reason, Sir. We have to have a large tract of land in order to attract tourists throughout the Province of Ontario. And I might say in transgressing for a minute, that the average tourist operator today spends twice as much in advertising in the province as any other merchant in the province. I can show you cases where our advertising expenditure is up as high as 14% of the gross revenue; whereas the advertising agencies will tell you that your advertising appropriation should not be 4½% to 5% of your gross earnings. But what do we do? We had to do that in order to get the people into the province. And then to make matters worse, only 17¢ of every tourist dollar spent in the province goes to the tourist operator; and 47¢ goes to the merchant on the street. And that merchant on the street...if I have my place down town, I wouldn't be paying business tax on my living quarters; and I wouldn't be paying business tax on my employees sleeping accommodation. And we have many places where the land isn't even arable we can't cultivate it, and we're charged business tax on that. Then you take a man who's a doctor or dentist or lawyer or what have you, he sets up an office over a bank or a store, and all he pays for business tax, is the percentage of the number of cubic feet he occupies

in that building in proportion to the taxes of the building. Isn't that right?

MR MORROW: Square feet.

DR MACKLE: All right, sq feet. And you'll find men that are in....

MR BECKETT: And there's quite a little bit for corridors and fire escapes.

DR MACKLE: But you just take a case like that where a man is an architect-the highest paid men in Canada today-their average earnings are over \$13,000 a year, and I have a brother in law who is an architect, and I know what he pays for business tax in a town, and it's just ridiculous; it isn't \$25 a year. And our people can't make that kind of money; we certainly can't on our limited time of operation; and still these municipalities are consistently crowding us. I'll give you another example of a man who built a new dance hall. And you want people to come into your province; you want us to build buildings to accommodate them, and you want us to give them amusements. So this man built a \$25,000 dance hall and reception hall for his own guests. He's assessed \$15,000 on that plus 25% business tax of top of that in order to operate for three months in the year. Now it's just about reached the point where is it advisable for us to go on improving our tourist properties when our taxation is so high. I don't think any tourist operator in the province has any objections to paying his full due taxes; but when you consider that a man can operate downtown as a doctor, a dentist, a lawyer and pay X number of dollars which is perhaps \$25 or \$30 a year, and they make us in our business, and in my own little bailiwick that I've got, my business tax is over \$700 a year, and it's only open for three months. Now it just gets a little bit unbearable, Mr Chairman. I think you should either tax us on the number of months we operate, and it's not our fault we don't stay open-it's the climatic conditions of our province that cause us to close. They should charge us one shot of the business tax for each month we operate, or they should lower our percentage from 25% to 5%, which would accomplish the same

purpose. And I think possibly that would be the better way of overcoming it is to reduce it on a seasonal resort that doesn't operate more than five months a year-that their business tax should be based at 5% of their total assessment.

MR COWLING: Well all you want is the Act changed that will give the local councils permission to do that. Now they don't have that.

DR MACKLE: We assume, Mr Cowling that will regulate it (all talking)but on the other hand, if you reverted to the 1956 level, that would give us an opportunity to go to the township council and ask for a rebate. But on the other hand, and what I'm afraid of that then you might be accused of class legislation, and you might have other people bugging you for the same thing; where as if you reduce our business tax assessment, as you know it's a sliding scale according to the business you're in, if you reduced our business assessment from 25% to 5%, you'd be accomplishing the same thing without being accused of class legislation.

MR COWLING: We'd be accused by all the other people.

DR MACKLE: Well that's just a thought, Mr Chairman.

MR COWLING: Well my thought on the thing, and you know I'm familiar with it, you made your recommendations to another Committee, and we recommended favourably on it, would be to give permission to go to the local council to get a rebate- that seems to be the more sensible thing; because the figuring out of percentages, believe me, is going to be quite a problem.

DR MACKLE: You know, Mr Chairman that they said, they could if they wanted to but they didn't have to; now they can't even if they wanted to.

MR BECKETT: Would it be possible to come up with one percentage of assessment for all businesses.

MR SINGER: Don't you have to face up to this argument that when a man goes into this type of business then he moves into a vacation resort where he can only operate for 8 to 10 weeks of the year, maybe a little longer; and that these are his only re-

sources, and this is a risk of business- he has to make sufficient money to live for the balance of the year-this is his livelihood.

DR MACKLE: Yes, and let me inform you, Sir, that these regulations have changed drastically since I went into the tourist business; that's what we're objecting to.

MR SINGER: Yes, and when you went into the tourist business, you knew you were going into a business where you had to make your money in a limited period.....

DR MACKLE: Why did I go into the tourist business? I went into the tourist business because I came out of the last war unable to return to my profession and I had to get out of the city. I didnt go into the business to make money but to regain my health which was broken down after the last war; and I can name you many many veterans who went into the tourist business for the same reason I did-they were more or less forced into it. But if I had known as much about the tourist business 15 years ago as I do now, I think I'd sooner stay in Christie Hospital. Now there are a lot of us...there is one of them sitting here, US Sergeant-Major Giles. He went into the tourist industry for exactly the same thing. His health broke down so badly he couldnt go back to his occupation in the city, and he had to get out of the city, so he bought a summer resort in order to recuperate his health.

MR SINGER: Still he knew he was getting into a business in which he had to make his money in limited period of the year.....

DR MACKLE: There's no argument there- what we are complaining about is that all the laws have been changed; and even if a man did know he was going into a business that had a limited period in which to make his living, he doesnt expect to be crucified by taxation. As I said, we're willing to bear a fair share of taxes, but to tax a man for 12 months on business tax for a four month operation is not very equitable, it seems to us.

MR SINGER: You pay income tax on your total income dont you? (yes)

MR RUMBLE: We all have to pay income tax; you can

lose money and still have to pay income tax.

MR SINGER: The same argument applies to all business.

(all talking at once)
MR BECKETT: That why I say, is the basis wrong?

MR SINGER:and the same argument about the unfair base of all reality tax; and a very strong argument is going on now about vacancy rebates to apartment buildings-rather vacancy allocations; that an apartment owner be given a rebate if he cant rent his apartments.

MR RUMBLE: Should we if we cant rentour accommodation?

DR LACKLE: When we get bad weather, you dont hear us complaining about that, do you? How many tourists went back to the United States because of the bad weather in our areas? Thousands and thousands of dollars went out of our tourist coffers because the people didnt retain their accommodation but you dont hear us complaining about that, Sir, and we're not going to complain about it. that's a hazard of our business; but we dont think we should be taxed any more than any other person in any other business. And you know, we're the second largest intakers of foreign currency in any province in Canada.

MR BECKETT: Do you pay your full share of school taxes in your municipalities? You get no concessions?

MR GILES: Absolutely, and we get no concessions, none whatsoever.

MR EVANS: In 1956, you could go to a local council and get a rebate in taxes.

MR RUMBLE: Well in our operation, our taxes have gone up another \$500 this year; we're in Markham Township and our taxes are \$2700, and for that I get the road ploughed in the winter and scraped; we dont get any garbage removal of any kind. That's all we get. And we're taxed as commercial as against residential, and they turn around and slap the business tax and ratio on top of that. We have swamp land we cant use, but we own it and we have to include it in our business. Maybe we would be smart to deed it to a member

of the family.

MR GILES: You might as well take a man who owns a business down town here and has a house in Rosedale, and say to him: And now you've got to pay business tax on your house-it's part of your business. You see in some of the northern areas, we're 40-50 miles from the nearest town and we have to have our staff there; and we pay business tax on our own residence and the residence in which we have to put our staff.

MR SINGER: That isn't right.

MR RUMBLE: There are two parts to it; this part is used for our residence and this is the part that is business.

MR BECKETT: We'll have to give this consideration.

MR RUMBLE: And the three or four months operation-the rest of the year it is closed.

MR SINGER: If a man closed up his grocery store for three or four months, would he be able to get a rebate?

MR GILES: But that would be of his own volition that closing; we are forced to close.

MR COWLING: Yes but what we're saying on that particular thing, Mr Chairman, if the legislation was permissive as it was before 1956, then the grocer if he was closed up for three months, could go to the local council and get a rebate too; so it would apply to everybody, wouldn't it?

MR GILES: It would apply to everybody, certainly.

MR EVANS: I know in my area there's a lot of vegetable stands and they only operate from the time the vegetables are taken off the field when they open and they close them in the fall, and we used to give them a rebate; they don't get one now of course, but they used to, and I always thought, sitting in council, it was the right thing to do.

DR MACKLE: I know that...I wouldn't like to get into any arguments about this, Mr Chairman, but I do know that if some of us hadn't taken the calculated risk, Ontario wouldn't have the grip that they have today on the tourist industry; you wouldn't have the

revenue for the roads; nor the revenue from the liquor, and there's many more things that I could mention without any fear of contradiction.

MR GILES: That's for sure.

DR MACKLE: And although we may have been foolish to take this calculated risk, I think we should be allowed some kind of compensation for taking that risk, spending so much money in advertising and increasing your gasoline revenue and increasing the liquor sales.

MR BECKETT: All right, we'll take that into consideration. Does that then cover your submission?

MR RUMBLE: Yes that's all, just those two points.

MR BECKETT: Just the two points, dual licensing and the business tax? Those two go to the root of your business.

MR RUMBLE: That's right.

MR BECKETT: Thank you, Gentlemen, for coming.

DR MACKLE: Thank you.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE TWENTY-NINTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

THURSDAY,
 AUGUST 23rd, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

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 Thomas D. Thomas

APPEARANCE:

J.R. Sams, M.P.
 Delby J. Bucknall, Reeve
 Fred Stinson, M.P.
 Mrs Caroline Ion, Deputy Reeve
 Mr Howard Ziegler, Reeve
 Douglas Layman, Reeve
 T.A. Dolan, Reeve
 W.H. Millward

PRESENTATION:

BRIEF - ASSOCIATION OF ONTARIO COUNTIES

ASSOCIATION OF ONTARIO COUNTIESHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr Bucknall, would you like to introduce the members of your delegation to us.

MR BUCKNALL: Thank you, Mr Chairman. We have with us this morning Mr Joe Sams, M.P. from Wentworth and also Mr Millward who is the Secretary of our County Association who will support me up here and maybe answer questions. I would also like to introduce the other members of our delegation, Mr Dolan from the County of Perth, Mr Howard Ziegler from the County of Waterloo; Mr Douglas Layman, County of Essex; Mr Fred Stinson, M.P., County of Peterborough and Mrs Ion was in the room a few minutes ago but stepped out from the County of York.

MR THOMAS: Mr Chairman, before we go on to the Brief, I wonder if we could know how many counties are affiliated to this organization.

MR BUCKNALL: 30, Sir, at the present time.

MR BECKETT: 30 out of a total of how many, Mrs Rowan? (38) Mr Bucknall, you may commence; it's a very informal session that we hold here, and anyway you'd like to treat your Brief...

MR BUCKNALL: Thanks, Mr Chairman. We have our Brief divided into several sections, and could I suggest that we read a section, then if there's any discussion or questions, we would be very glad to answer; because by the time we cover about eight sections, perhaps some of the first will have slipped our minds. I am sure it is a great pleasure for our Association, and we consider it quite a privilege to come before your Committee with suggestions regarding municipal government in Ontario. Some section of this Brief may be a bit controversial but we desire it to be that way. Our first submission is on Local Government. (reads) "We would respectfully recommend..... at present."

MR COWLING: When you talk about local government, are you talking about county government or municipal government?

MR BUCKNALL: In this case, we're talking about municipal government in townships, towns and villages.

MR BECKETT: Which form part of your county. (yes)

MR SINGER: As they presently exist. (yes) With the 1000 municipalities and 4000 school boards. These shouldnt be changed?

MR BUCKNALL: We have something to say about the school boards a little later.

MR SINGER: Well do you think the 1000 municipalities are too many or too few?

MR BUCKNALL: It could be right; we're not suggesting that these things be entirely left as they are, Mr Singer, but there's always the chance that perhaps some of the smaller ones could be amalgamated with others; but generally speaking, the local matters local matters should be left as close to the people as possible.

MR SINGER: I think this perhaps was what Mr Cowling was getting at-what really do you mean by local government-local government as it presently exists, or local government improved or just what?

MR BUCKNALL: There's always room for improvement, but still and all, matters of the nature that we mentioned should not go too far away from the people.

MR BECKETT: It should be left then to the local people (yes)

MR THOMAS: What do you think then of the idea that county roads should be taken over by the Dept of Highways and the suburban roads too?

MR BUCKNALL: We have a Brief which we submitted to the Minister in May reviewing this highway matter, which we have attached to our Brief here which gives our thinking on that; we will be coming to that presently.

MR SINGER: This last sentence that you have here at the bottom pf page 1; do you mean just police and fire or...

MR BUCKNALL: That's right.

MR BECKETT: What do you say about planning?

MR BUCKNALL: We'll be discussing that a little later.

MR BECKETT: Would you bring that under local or under county?

MR BUCKNALL: Under county. The matters under local are confined to caretaking basically, isn't that so?

MR SINGER: Service to property;

MR BUCKNALL: Nobody wishes, if he has a problem- a service problem to his property or to his road in front of his property, he doesn't wish to go miles and miles away to find someone to look after it.

MR SINGER: I notice that you haven't included in this list such things as welfare and administration of justice and education.

MR BUCKNALL: Later on.

MR SINGER: These things that you say local government should continue to do and you have omitted those three things, and I was wondering, and I suspect it's deliberate. (yes)

MR BELISLE: Mr Chairman, do you feel the business of highway grants as they exist now, one municipality may get 50% and the other one may get 70%-do you feel that is satisfactory?

MR BUCKNALL: Highway grants- we'll discuss that, Sir, on our Brief on Highways.

MR COWLING: The amusing thing that comes to my mind, when you refer to local government, are you considering county as a local government as well as the municipal government within the county?

MR BUCKNALL: We consider, Sir, that county is an intermediate level of government, between the local and the....

MR COWLING: When you're discussing the matter of local government, are you talking about the municipal government? you are excluding the county government?

MR BUCKNALL: That's right. The next is County Government, and No 1 is Assessment. (reads, page 2) "In any move to strengthen.....on a provincial basis."

MR BECKETT: How are you to have a majority vote in county council; you could have a county where small municipalities

could override the large municipalities--the ones holding the majority of the assessment.

MR BUCKNALL: You've raised a very good question, Mr Chairman, it's one of the questions that bother county...in fact our organization in considering representation on county council we come to one of the bitterest problems which we face; and how you're going to overcome this is a matter that is going to require a lot of thought.

MR EVANS: Would you give the larger municipalities more votes according to population instead of the present 4 votes?

MR BUCKNALL: I might say, Gentlemen, our organization you know at a meeting on May 30th at Peterborough, we had a panel discussing representation to county council, but I'm afraid we haven't come to any solution; now this has been suggested that the members from the larger municipalities have more votes and all kinds of suggestions have been made. It has been suggested that county members be elected as county members, not representing townships or towns or villages. Then you come back to the old question of what will we do if the populated area can outvote the unpopulated area. We'd have to have wards; and if you go back to wards, then you're talking about...then you're getting back to the townships again and back to the towns and villages system. It's a real douzer, this one.

MR BECKETT: But if you have a tie vote in county council, the municipality...the reeve who represents the municipality with the highest assessment gets a second vote. (right) Why not then use this....

MR SAMS: This operates only for the election of the Warden.

MR BECKETT: Just for the election of the Warden?

MR MILLWARD: That's correct. A tie vote is lost.

MR EVANS: I don't think so (chit chat re tie vote)

MR BECKETT: What I was getting at was the principle that when you took a majority vote, that majority vote must represent the majority of the assessment--not exactly numbers.

MR MORROW: Just on that point, Mr Chairman, I was looking that up, I was wondering what Mr Bucknall would think if instead of a majority in county council as you have now, what do you think of a two-thirds majority? 66 2/3% instead of a majority.

MR BUCKNALL: Yes, that would be satisfactory, much more satisfactory than 100%.

MR MORROW: You cant get anywhere when it's 100%

MR SINGER: And what would you think of the province saying this must be done.

MR BUCKNALL: I would say, Mr Singer, we've never asked for anything outside of permissive legislation for this reason, the problems in counties across Ontario vary to such a great extent some counties have practically no problems in expansion whatsoever; others have terrific problems, so we would like legislation set up so that those counties who wish to take a hold of these things, can do so, rather than say everyone has to. Now this, I think, is a good thing. I believe this assessment under 93 (a) is the answer to a good many problems, and I believe it should be contemplated by every county; on the other hand, I would hesitate to say to every county you have to do it.

MR THOMAS: But if you offer some inducement to encourage them into that system; you remember- I believe it was 1947- when they started off the county assessor idea, and the government gave a grant of \$1500. That had the effect of encouraging some of the counties into it; perhaps if we stressed it a little more, we'd get it, and they'd be more receptive to the idea of having an overall county assessor.

MR BUCKNALL: That's what we're asking, Sir.

MR BECKETT: And the tendency would be to have more qualified personnel.

MR SINGER: More qualified and better paid. There has been a suggestion we've heard from several people that the assessor should be qualified with the province licensing or registering- what would you think of that? They should reach certain standards

of proficiency before they allowed them to be assessors.

MR SAMS: I think the Province has been encouraging them, Mr Singer, through the provision of these extra-curricula courses; a great number of counties have taken advantage of that. Unfortunately, there just aren't enough truly qualified assessors in the province now to take over these top jobs.

MR SINGER: What comes first, though? Until the profession of assessors, if you want to call it that, is given sufficient status and commands sufficient pay, you're not going to attract bright young people into that field. (True)

MR THOMAS: Well any courses provided, I think, are mainly provided by the assessors themselves; and they've not had too much encouragement from the government. That's what we get.

MR BUCKNALL: I believe the assessors now are supplying courses through Queen's University.

MR BECKETT: Does the County of Lincoln have a county assessor? (yes) How many counties have really put this to a vote; have you any idea?

MR BUCKNALL: One as far as we know at the present time- just Lincoln. We've been up in court with ours-you probably know the story. But it's working very satisfactorily.

MR TAYLOR: In reference to that voting, Mr Chairman in the case of a tie, it is tied in with the election of the Warden only. Section 186 deals with the election of a Warden; and subsection 4 of that: "In case of an equality of votes, a Reeve or in his absence, the Deputy Reeve of the municipality, which for the preceding year had the largest equalized assessment, shall have a second or casting vote." (chit chat election tie vote)

MR SINGER: I am very interested in this 4th clause industrial assessment. This is an idea that has been put forward on a few occasions and it's an idea that personally I think is an excellent one. There's no concern amongst your group that you're going to be taking things away from the local municipalities that shouldn't be taken away; the overall good is the determining factor.

MR BUCKNALL: Naturally if you have a municipality that has a large industrial assessment, this isn't going to be popular; don't fool yourself on that one. But there is a great struggle going on right now between the haves and the have nots; the haves want to retain and the have nots want to get. This 60-40 ratio which is supposed to be the ideal for residential-industrial assessment is a fine thing, but there isn't that much industry around. Not everybody can have it. Now what's happened in a lot of our areas is the fact that the people are living in one place and working in another, and their municipality enjoys nothing of the fruits of industrial assessment. And at the same time, everybody is struggling for industry to the point that planning comes to an impasse. We're encouraging factories to be built in places where perhaps they shouldn't be built...

MR MORROW: There are municipalities that are the bedroom for industrial municipalities (yes)

MR SINGER: Oh yes, and with this being done, perhaps-if it is done-perhaps the province could encourage new industries to locate in areas where there is a surplus labour market.

MR BUCKNALL: Absolutely.

MR SALS: I think the whole thing hinges on this, Mr Chairman-it has to be around the idea of good planning; because each township planning board or area planning board tries to fit in a little bit of industrial zoning to more or less offset the high residential content of these various areas. I know in our own county, the individual planning boards or the regional planning board has tried to set up an industrial area for each of the municipalities, so they would obtain some measure at least, of balanced assessment. Now good planning on a regional basis seems to me to indicate that the....in Wentworth County around the area of Hamilton, industrial area should be around the harbour and around the railways; whereas they're always trying to fit in a little piece in here, and little bit there in that township. Now if it were all pooled, as we suggest here, that aspect at least would be eliminated.

MR SINGLER: I'm very pleased to see that.

MR BECKETT: Mr Sams, when you say regional planning, what do you call a region?

MR SAMS: Well, I suggest, at least for the purposes of our Brief, that roughly we're talking about a county; now in some areas, it might require two counties. I would suggest that it be not so much a municipal boundary, but more an economic boundary.

MR BECKETT: What about watersheds?

MR SAMS: Well watersheds, I think, could influence it; but a region as an economic unit is what I think we are talking about.

MR BECKETT: Isn't the question of drainage though one of the main things when it comes to planning; you can't make sewers run up hill.

MR SAMS: It definitely influences the boundaries of a region, yes.

MR SINGER: You're into something much bigger thannow when you start talking about regions-regional planning and regional assessment and industrial assessment. Aren't you necessarily talking about regional government too; to make these things work on a regional basis, don't you need just one government; if you have 6 or 8 governments making up the region, then you're in trouble.

MR COWLING: Well no, I don't think so, Mr Chairman; we have 13 or so here in Metropolitan Toronto and they seem to be getting along pretty well. And of course the Metropolitan Conservation Authority takes into account the drainage in this particular area, and that can certainly be an example of a region as you have outlined.

MR BECKETT: For planning? (yes)

MR SINGER: No.

MR COWLING: Yes.

MR BECKETT: Well I've been given to understand that a study now has been made in the metropolitan area around Hamilton; well that would take in...

MR SAMS: The county and the city and Burlington

MR THOMAS: Has there been any thought given to that, a metropolitan area in the Hamilton region.

MR SAMS: A great deal of thought, Sir, yes.

MR BUCKNALL: To continue, part B we've thrown in for discussion. (reads, page 2 (b) Taxation) "With assessment under control.....grave concern."

MR SINGER: This is along the line that I was trying to get at before. If you have...whether you call it the county or anything else which has the only taxing power, the importance of your local bodies is going to disappear; if they don't raise money, it's not going to be likely that anybody is going to give them much responsibility for spending.

MR BUCKNALL: Gentlemen, we've only thrown this in for thought and we realize that at the present time it would probably meet with a lot of opposition; but I believe eventually it is something that is going to come that we will have not quite so many taxing authorities.

MR COWLING: That will be a very happy day.

MR MORROW: It might be worse than the Berlin crisis. (laughter)

MR BUCKNALL: (continues, page 2, last para) "Part 2 - Suburban Roads and County Roads.....from Association." Now we have attached our Brief to the Minister of Highways, Mr Goodfellow and I believe we presented it around the month of May (reads Highway Brief) "The Executive Committee.....from the Province."

MR TAYLOR: This would eliminate the provincial function; and your last suggestion, I think the county would be taken over that, wouldn't it?

MR BUCKNALL: They would be building under provincial supervision with a higher rate of subsidy. (continues, page 2) "Suburban Roads -County Councillors." Further on we discuss financing. (continues, page 2 para 2) "The Area Road Commission should..... for the calculations."

MR BECKETT: We'd still be taxed? (yes) How do you take it...you have a county assessor assessing in the cities and the counties?

MR BUCKNALL: It's a nice thought, but we find that in our own area for instance-in the St Catharines-Lincoln area- there is a great deal of liaison between our county assessor and the Assess-

ment Commissioner for the City of St Catharines. In fact the City of St Catharines at the present time are using the same type of appraisal card that we use in the county. I feel that by general cooperation, they're getting close together.

MR BECKETT: If you didnt use the same assessment, you'd have to have an equalization.... (yes)

MR EVANS: You dont mention here, but do towns get a rebate back on their roads; would there be any rebates to towns as there is now.

MR BUCKNALL: It seems to me there would be; we never mentioned it particularly; of course if you're going to have subsidy, the matter of rebate would probably not be so necessary.

MR EVANS: It's something that you think probably could be worked out.

MR BUCKNALL: The rebate, of course, refers mostly to our expenditures on the county roads (yes) and we're talking here of suburban. We havent given that matter any thought. (continues, page 3, (d) "Policy - It should be.....permissive only."

MR BECKETT: Before you go on, how would you bring it about?

MR THOMAS: Mr Chairman, if you increased the grants on suburban roads, wouldnt that be an encouragement to get them in.

MR BUCKNALL: Some counties argue that there's nothing basically wrong with the present suburban road system which a higher grant provincial subsidy wouldnt correct.

MR THOMAS: Well if the grants were increased, wouldnt that have the effect of getting them into it?

MR BECKETT: That's pretty hard to answer about the local municipality- what it will do.

MR BUCKNALL: You see Mr Chairman, in some areas- Mrs Ion represents one, and that is York, that has practically no suburban road problem, and I think that Mrs Ion might like to speak to this matter.

MRS ION: Well Gentlemen, I think that you do know that we do have a peculiar situation in that we have a Toronto

and York Road Commission which really is operating extremely well and certainly benefits the county...the only county road we have is the $\frac{1}{4}$ of a mile road on which the county buildings are located, and our county council is strenuously opposed to any major change in the suburban roads because of the very satisfactory way it is working; and yet the majority of York County Councils feel that if this is going to be better for the province as a whole to have this change, that it would be better to make a permissive change, so that where it was required they could put it into effect.

MR BUCKNALL: I believe also the County of Carleton with the Ottawa complex, is very satisfied with the present set-up. You see where the problem arises, in some cases that they have and you know the cities have to put up with, in some areas where the city is rather large, it makes the county people really stretch to meet that half mill. (chit chat re Ottawa) Now, Financing of Roads. (continues, page 3, para 2) "Real property.....provincial subsidies."

MR BECKETT: What are user levies? Toll roads?

MR BUCKNALL: Well yes, it could be; license fees, gasoline tax.

MR BECKETT: How does your association feel about toll roads?

MR BUCKNALL: Toll roads, we've never really given them a discussion; we have discussed toll bridges. We felt that on the Burlington Bridge, the toll wasn't quite enough; it was more of a nuisance than it produced a revenue.

MR BECKETT: Have you talked about tolls on bridges between counties?

MR BUCKNALL: No we never have.

MR BECKETT: Have you made a study of the toll road system in the United States.

MR BUCKNALL: No we have not, Sir. (continues, Page 3, para 3) "Cooperation is the key word....explanations required." (end of Highway Brief) And I may say the Minister of Highways called us in and held a discussion with us.

MR BECKETT: It's very informative.

MR BUCKNALL: Now to get back to the Brief proper, on page 3, Welfare (reads) "At present counties enjoy..... hospital beds."

MR COWLING: Do you think the Welfare Administrator could be appointed in the same way as the County Assessor?

MR BUCKNALL: In much the same way... maybe Mr Sams would like to elaborate on this.

MR SAMS: I feel, Mr Chairman, that we've certainly enjoyed a great deal of cooperation from the Dept of Public Welfare and I believe there have been one or two studies made in the counties across the province to see if this type of a welfare unit might work, and I feel very strongly that it will. I think, no doubt you've had some submissions already on welfare at the more regional level that we call the county level, because I think there's a great inequity now in the manner particularly in which general welfare assistance is handed out. Many of the larger municipalities have full time trained welfare officers; but unfortunately, many of the smaller municipalities rely entirely on the local township clerk, or the village clerk to handle that in addition to many other duties. We don't feel that's a good thing; we feel that in some cases perhaps there might even be what we would call waste, but with the subsidy being paid by the province of 80% on general assistance, the local municipality hasn't got too much to lose. And quite often they hand out general welfare assistance without the thorough investigation which a trained welfare officer can give them. Therefore we feel if this can't be handled on a county level, a trained welfare and perhaps several assistants, depending on the size of the county, better use can be made of the funds provided by the province, and perhaps we can get away from some of these hand outs that are being made to persons improperly qualified.

MR MORROW: I was inclined to think the opposite, that all municipalities with the clerk handling- the small ones- that they were a little more careful in the amount of money they handed out, and that very few people got on welfare.

MR SAMS: I think in a great number of cases, that's true, Sir, but in a great many other instances, particularly in some of our townships, particularly which are on the fringe of urban areas, where you have a measure of unemployment at certain times, it's a very difficult thing to control. In the village I come from, the clerk would know everybody in the town, and he would probably know; but I know of another municipality in our county, a man applied for relief from the township clerk and was given it and was later found to have also been drawing relief from the City of Hamilton and one other township. He was drawing relief from three sources all at the same time. Well that continued until the City Welfare Officer happened to call the local Welfare Officer to ask to obtain his place of residence.

MR MORROW: I see the point, in a suburban built up area, the clerk wouldnt know the score. (right)

MR BUCKNALL: You just dont know the people as well as you might think.

MR SINGER: Would you use the word "county" interchangeably with the word "region"?

MR SAMS: I use the word "county", Mr Singer, for the lack of another municipal authority which exists now. The county is now presently constituted to handle this and the local municipalities being members of the county family, I think, they co-operate more efficiently now; I think that regional aspect might follow once there is redistribution of areas.

MR SINGER: This is just a present use of the word.

MR SAMS: Yes, that's right.

MR SINGLER: Do you think this should be permissive? I notice you did conclude this on the first page as one of the responsibilities of local government; are you going to change this by permissive legislation or do you think there might be some merit in it being mandatory?

MR BUCKNALL: Well permissive legislation now exists; it's been a matter, I believe, of most of the counties in trying to

figure out how to handle it; how they're going to operate it. Now we've studied it in our county and in Wentworth; almost close to adopting it; maybe there are several other counties on the fringe of adopting this. But we ran up against a lot of questions of how do you operate it. And it's the same thing as Mr Sams mentioned there, where you find people drawing welfare from three sources; we had one that drew welfare from five or six sources. Most of our small municipalities in four, five or six cases opposed it; they said we can handle it. And this is interesting, one of our older clerks who came to our meeting, he said: Oh I know everybody in my municipality; I can handle this; there's no need of the county doing it, and he was one of them that was paying welfare to a person who was drawing it from six places. Of course he knew everybody, but this was one he didn't know. These stories about welfare run a parallel across the province; it's the same thing all over.

MR SINGER: Another problem that bothers me too in the Metro Toronto area, and I suppose it would apply to any metropolitan area, the metropolitan core here in the City of Toronto seems to have by far the greatest burden far out of proportion, because there is a lower type, a cheaper type of accommodation; and when people are out of jobs, they naturally gravitate to this cheaper type of facility; and the suburbs seem to escape a lot of this because they have the more expensive type of accommodation. It seems that the core city, in this case, Toronto, takes an unfair portion of this and the suburbs benefit from it.

MR BECKETT: That is what I was going to say, shouldn't the city be part of the county set-up for that particular purpose?

MR SINGER: I imagine this sort of thing pertains to Hamilton, St Catharines and others.

MR BUCKNALL: Yes, that's right.

MRS ION: Mr Chairman, there is another aspect to this welfare problem which we haven't mentioned, and this is, I think, on a larger field of operation; there would be additional services provided for people-not just the economically possible-at the moment we discover this operation at the township and town level;

I'm thinking of the provision of day nurseries and home makers care and the change of our thinking in welfare rather than setting the position as a dole; to doing preventive work and rehabilitation. And I don't think that, as it is set up now, that a small town could possibly handle this sort of thing. I know in Newmarket, which is the town I represent, we have no home maker service; and if a mother becomes ill, and has to go to a hospital, the only alternative is to take those children into the care of the Children's Aid; and this is not only detrimental to the youngsters in breaking up the family unit, but it is expensive to the tax payers, and I think that we would provide much more efficient services and in the long run save dollars.

MR COWLING: Well another thing too, Mr Chairman, as far as Metropolitan Toronto is concerned, it has been suggested and I have suggested that along with others, that this is one of the areas where we could operate on a metropolitan-wide basis.

MR BECKETT: Yes, now that we have got this far?

MR COWLING: Yes, by combining the many welfare departments just the same way as we have combined other departments, I think we can get more economy and probably better service, and maybe eliminate or give the suburbs an opportunity to contribute a little bit more than they are doing to our problem here in the city.

MR SINGER: I think they should, but on the other hand if they're going to contribute in this field, the city should contribute in many others. (yes)

MR THOMAS: The Provincial Government Welfare—they are operating on a regional basis now in Mother's Allowance and health units.

MR SALS: We have a complete Brief, Mr Chairman, on Welfare, which we presented to the Minister, and it goes into a lot of these things which some of your Committee Members have brought up, this matter of pooling a great number of these welfare services, and being able to operate these more efficiently on a regional or county level. I think we only touch on this here because we had to cover a number of subjects.

MR COWLING: I think we've heard quite a bit this

morning about regions as an area; and it just seems to me that we now have a pretty efficient county set-up, and if we're going to move from the municipal into a larger area for administration, the next place to move is into the county and not to a region.

MR BECKETT: A region could be more than one county

MR COWLING: Well yes, it could be, I suppose, with some of the smaller ones, but that to me would seem to be the natural move from municipal to county and if it is necessary to regions.

MR SAMS: Well as we all, as members of this association, recognize, the present municipal boundary is artificial, or where a special...at present we are talking about handling municipal administration in a proper way...but they are, as somebody already mentioned, they are the presently created vehicles which can be..... to which a number of these services can be taken into, without a great deal of change. Now I'm the first to agree that in many cases, perhaps two or three counties should form a county unit for administrative purposes. We're merely talking about the term "county" as representing a regional area.

MR COWLING: Another thing too, as I have said before, it'll be a whole lot easier to amalgamate a certain number of municipalities within a county, than it would be to eliminate certain municipal governments. Then you're really into a problem; no matter how small they are and what their budget might be, they are here to stay, and any attempt by the government to rout them out sort of thing, is not the best measure, I think.

MR SINGER: If you amalgamate them into....

MR COWLING: Then you're getting them into a county set-up

MR SINGER: You're certainly routing them out....

MR COWLING: No, I don't think so.

MR BELISLE: In the districts, we tried on a regional basis, which means two districts and they've had as high as 52 municipalities working together for health and children's welfare, and it has worked out very well.

MR BUCKNALL: (continues, page 3, Para 6) "Communi-

otions - any proposals.....co-ordination."

MR EVANS: There's a point in civil defence, you'd have to overlap into regions-you'd have to overlap county boundaries.

MR BUCKNALL: That's true, Sir.

MR BECKETT: I would like to ask Mrs Ion what happened to the proposed county police system in the County of York?

MRS ION: At a special meeting of county council about ten days ago, this was defeated on a vote of 29-9. I was one of the 9. (laughter)

MR SINGER: And the motion was?

MRS ION: To establish a county police force.

Three years ago, we had Magistrate Johnston Roberts from the Niagara area do a survey on this in the county; and he recommended an amalgamation of all our forces. He gave us three separate proposals; we could do it with one unit or two or four. And then 19 of our 28 members were replaced the following year, so the 19 had no knowledge of study that had been done the previous year. Then last year we had ^{Pick} Magistrate Bick do a survey in the county, and he recommended the adoption of amalgamation. But the Reeve and all the representatives who had been elected as representatives of the municipalities said no and the same night, the welfare on a county basis was approved by almost the same number of votes.

MR SINGER: How many separate county police forces do you have?

MRS ION: We have 12 different police forces at the moment and two municipalities which are policed by the provincial police, and they have been notified by the Warden that they have now reached the level of assessment where they must now do their own policing.

MR SINGER: That might change things.

MRS ION: Well they were among the 9 who voted in favour.

MR BECKETT: What coordination is there between the different police forces; do they work together or how do they tie in?

MRS ION: Yes they do work together and they have undoubtedly very good cooperation. We have problems in certain areas

Stouffville, I think, is one of them; the large area policed by Stouffville, they are in five separate telephone exchanges, so that if someone had an emergency in one area they must phone to Unionville or some other municipality; and there is Highway 48 runs down there, and if an accident occurs and they phone the Stouffville police, they go out and they happen to under the jurisdiction of Handebrand which is under the provincial police. Now in an area such as this, they were solidly behind the unification of any type. We, in Newmarket, operate a 24-hour ^{ambulance} statute(?) service and we sell this service to neighbouring municipalities, such as East Gwillimbury and Aurora. Other municipalities do the same thing. The present county set up -police set-up-is simply for the transfer of business to and from the courts and the jail.

MR MORROW: In the studies that were made in the county, did it indicate that it would cost more to operate on a larger basis; because there would be a tendency, I suppose, for the larger police force to have perhaps three times as much salary as they now have in the smaller municipality or that the townships have.

MRS ION: It certainly was one of the arguments that appeared in the press that night; but in the estimates which had been provided by Magistrate Roberts was actually anticipating a cut on present police expenditures; he cited that we had 24 dispatchers in the various municipalities and in cutting this down, we were expecting a saving of some \$8000 in salaries; at the present time we have 12 police chiefs and we have so many deputy police chiefs. Now when Magistrate Bicks spoke, he said: If you are prepared to do this, you will have to do it completely and whole heartedly. Therefore if it costs you a little more money, dont tighten the purse strings and do an inefficient job; and dont use this as an argument because it just might cost us more. And of course I cant venture an opinion. But we have people whose experience should make them experts say that, in their opinion it was going to be less.

MR MORROW: And even if it did cost more, you would have a more efficient operation.

MR BECKETT: What's the population now of the County

of York?

MRS ION: 120,000.

MR SINGER: 10,000 in 12 municipalities.

MR ION: And some of those municipalities, such as Sutton, have only 1500 people, but they have a police chief and a sergeant; and it's getting to the point where there are just no Indians - they're all chiefs. (laughter)

MR BUCKNALL: (continues, page 3 last para) "Education - In discussing....

MR COWLING: It seems to me we've discussed this pretty thoroughly before.

MR BECKETT: It is a big problem. We have a Brief that has been submitted to us to show the gross debenture debt for education cost; from 1947 to 1961, the debenture debt per school has increased 1097%; general 437%, and then it goes on and breaks it down but that shows...and of course the percentage of your grants from the government, the percentage hasn't increased but the dollars has increased tremendously.

MR MORROW: Of course in that same period, assets have increased tremendously too.

MR BECKETT: Well I'll give you another figure - in 1947 the provincial net ordinary revenue was \$191,000,000 - round figures; in 1961, it was \$813,000,000. Now the total provincial payments to municipalities in 1947 was \$54,000,000 or 28%; in 1961 it was \$340,000,000, and the percentage is only up to 41%. But you see the difference in dollars from \$54 million to \$340 million.

MR BUCKNALL: (continues, page 4, para 7) "Public Utilities - The task of supplying.....undertakings." (chit chat re potable water and jokes)

MR BECKETT: I have another question I would like to ask Mrs Ion; how are you getting on with your joint sewage system in Newmarket and East Gwillimbury?

MRS ION: We are gradually getting trunk sewers laid but practically ten days ago, the tenders were received for the plan itself, and the lowest tender price is \$1 million over our est-

imates, a 37% increase; and at the moment both councils have refused to accept this tender and they've asked OWRC's consultant engineers to revise their plan. even if it required recalling tenders.

MR BECKETT: But that's a joint undertaking as is suggested in this brief, that municipalities can join up together. (yes)

MRS ION: Actually it is only an interim step on what should be. And we are thinking in terms of piping water and in terms of a sewage system which will take care of that whole area.

MR BECKETT: That's why I suggested when you come to planning and drainage, you go together. (yes)

MR SINGLER: Well it's obvious, Mr Chairman, in the case of the County of York, you have two logical regions, on either side of the height of land above Richmond, one drains to Lake Simcoe, and the other south to Lake Ontario.

MR SAMS: I think one of the most important things in this Section is item C, giving the county permissive legislation to issue debentures for these major public utilities. Now we do it now for high schools-certain permissive legislation- and we're suggesting that permissive legislation be adopted here, so that the county might approve a financial asset and then the tax be to the local area on a user basis or some other basis to be determined.

MR COWLING: Isn't that what they've done with the Water Resources Commission?

MR SAMS: But by the Water Resources Commission.

MR BECKETT: Yes, but by the consent of the municipalities.

MR SINGLER: And provided the municipality can convince the Municipal Board that it has enough assets to issue debentures....its own debentures.

MR SAMS: Merely, Gentlemen, as is stated here where some of these municipalities are not now in a position, owing to high debenture debt for education or other services, they're not now in a position that the OMB will permit them to issue additional debentures.

MR SINGER: No matter what the Water Resources will grant.

MR BECKETT: The Ontario Municipal Board can authorize the county.

MR SAMS: Well the county can borrow money at a better rate than the local municipality anyway, just the same way that you in the province can borrow money at a better rate than the counties can.

MR MORROW: Can they enter into an agreement now to do that?

MR SAMS: Oh, sure; the individual municipalities can enter into an agreement too, that's being done now. This was merely to put a piece of legislation into the Act whereby a county can issue a debenture, or continue to do so.

MR BUCKNALL: (continues, page 5, para 3) "Planning-Amendments to the Planning Act.....be encouraged."

MR SINGER: Mr Bucknall dont you agree with me that this ideal objective is almost impossible to reach unless you have an administrative unit as large as your planning.

MR BUCKNALL: I would agree that we need a larger administrative unit.

MR SINGER: If your planning unit extends beyond one administrative unit, you're in difficulty, I think; you have two or three or five different governments trying to cope with a planning organization.

MR BECKETT: This might be a step in the right direction to start with county ...a county set-up for planning. Would you just have one planning board?

MR BUCKNALL: Yes, we would just have one planning board although I believe that certain things...land transfers could be left to the local authorities. When you think of the large arterial roads, sewers, water mains, park areas, things such as that should be decided upon on a larger area.

MR BECKETT: Why would you need a local planning board when your council does it now; the council deals with developers; they make all the contracts-I dont think you're going to need them.

MR BUCKNALL: Well I feel from my stay on local council that they like to have someone to lean on, more or less, for spec-

for specialized knowledge.

MR BECKETT: Couldnt they have a director or a committee of council?

MR SAMS: I think there is a great deal, Mr Chairman, besides the municipality. We're talking about a regional planning board or a county planning board, and possibly along with that, in some of the larger municipalities, there should be an advisory board which would handle a lot of the local detail work, such as spot zoning.

MR BELISLE: Do you believe they should be appointed or elected?

MR SAMS: Appointed. I dont think you'd ever get anybody to run on a platform for planning board.

MR BELISLE: Then do you think it would be a good thing to be a committee of the council?

MR SAMS: No, I think they should be ...the council should be represented as they are now with one or two members on a planning board; but I think that individual councillors, dealing with everyday problems have quite enough to do without getting into the theories and technicalities which the planning board have to.

MR BELISLE: No, but your planning board- some of them- are appointed for three years, and a councillor for either one or two years.

MR STINSON: No, your planning board members are staggered- the appointments are for three years but they have to stagger the appointments; in that way a member of council could be defeated, but the council would appoint another member next year.

MR BELISLE: Yes but sometimes the appointed part objects to the elected members point of view.

MR MORROW: Do you know of any other province of Canada or any state where the industrial assessment has been taken over by the state or province? (no) You didnt catch this from anywhere else?

MR BUCKNALL: Not necessarily; we have made studies of it, although I believe in some of the western provinces, they never have before, but they're setting up a county form of government, and they are putting this under the county. I believe Alberta is trying it.

MR BECKETT: In the City of Winnipeg government, the metropolitan government as it is now, they get away from local planning boards; they only have a director of planning. What would you think of that?

MR BUCKNALL: It simplifies it. Mrs Ion, how many planning boards have you in York?

MRS ION We have 14 municipalities and 14 planning boards. Yesterday we met with the Minister of Municipal Affairs and the Deputy Minister and the Director of the Community Branch and this was on the basis of the county; and we discussed the appointment of a county planning director, and eventually leading to the appointment of a county planning board, so that you could have coordination. And we have had a great many workshops; we've had meetings with representatives of the Dept of Municipal Affairs; we've had a lot of verbal support. And I feel that the time has come, if the province is sincere in wanting us to do something on a regional basis - now we keep talking about regions, and we say that perhaps a county is not an effective area, but we do have it; and when it is sufficiently difficult now to make any change, I think it's not being realistic to talk in terms of setting up another type of government. I think when we say regional or area approach, we're saying let's use what we have which is the county; let's use it and let's see if we can get a broader base as we go along. Now real estate simply can't carry any greater load than it's carrying now; and the province can come and tell us a thousand times that it's going to be beneficial for us to have some of these things at the county level. But unless they're going to put this encouragement in some tangible way, in other words, with some good hard cash, they're wasting their time and they're wasting our time, and we're all of us wasting the taxpayer's dollar.

MR BECKETT: What would the cash be for?

MRS ION: The cash would be in the form of paying a portion of the planning director's salary; it could be some subsidy on the cost of operating a proper planning department because even if you don't live in Newmarket, all our people serve on the planning board without any remuneration at all. If you're going to have trained

technical people, you've got to be able to offer them decent salaries or you're not going to be able to bring them to that area. And we have been told that the minimum we could consider operating it between the Dept and the county, would be \$65,000 annually. Now if the province would say: We will give you 15%, 20%, something-whatever it is-we're not saying what it should be, but it should be something. At the moment they have not the authority to make such a grant, they have not enabling legislation to make such a grant.

MR BECKETT: Now you take your own situation; you say from Richmond Hill everything runs north-that drainage area runs right through to Bradford where you get into the County of Simcoe; if you suggested that, then I would think you would have to have a much.... you would have to take your whole watershed into consideration.

MRS ION: Ideally I agree with you, but I think if we're going to try to cope, we have to start with what we have and work from there.

MR MORROW: And use the present vehicle which you have.

MR BUCKNALL: (continues, page 6, para 3) "Annexation and Amalgamation - The Association.....of the Board."

MR BECKETT: Stop right there; that was the law until 1937. The Act was changed in 1937, and prior to that the part being annexed had the right...must be consulted. That was taken from the people. Now the Municipal Board can order a vote in the municipality that's doing the annexing.

MR SINGER: Isn't this somewhat at variance with the principle...some of the principles you stated in other parts of this Brief? How major a factor is the vote going to be; is it going to be the determining factor? You've been talking substantially...or laying down principles, as I see it, in the rest of your Brief on bigger units and more control; and here, annexation or amalgamation, which is a phase of the same thing, and you're suggesting now the determining factor be a vote of the local people.

MR BUCKNALL: Quite right, Mr Singer. On the other hand, up until the present time, our present mode of operation..what

has happened in many areas, there's a big amalgamation, and this takes from our county almost our entire industrial assessment.

MR SINGER: Oh, you're just talking about this on the county level....

MR BUCKNALL: On the county level, and of course we find that if someone has a very ripe plum for industrial assessment, somebody's out to pick it. Some of these moves may be good; some are not; and we feel that perhaps some more thought should be brought to bear upon it.

MR SINGER: But don't you get into the very serious trouble with the people who are in the beneficial positions, small even as they may be, they're not going to want to be annexed to anybody.

MR BUCKNALL: That's very true.

MR SINGER: Leaside here in Metropolitan Toronto has a tax rate about 20 mills lower than all other residents of the Metro municipalities because it has a large industrial assessment; and certainly the people of Leaside aren't going to be happy about being annexed to anybody.

MR BUCKNALL: I might tell you Sir, if our other recommendations were implemented- we've left this till the last- if they were implemented, and the province took over the industrial assessment, most of this annexation business would be wiped out anyway.

MR BECKETT: You think that? (I do) Did that happen around Hamilton, Mr Sams?

MR SAMS: That was one of the major arguments that the City of Hamilton used in their annexations hearings, the second to last one- they needed more industrial land.

MR BECKETT: I think it's a form of theft to steal it this way without a vote of the people.

MR SAMS: We understand from our studies of Erie Co, New York, that....

MR BECKETT: Well all through New York State the city is a part of the county (yes) maybe it's a better system than ours.

MR STINSON: Do you not think that bringing cities into the county system is going to strengthen our type of government

and it's probably going to do away with so many municipalities that have got annexation and amalgamation that hurt the county system, and are hurting them at the present time; it's weakening our county system. If we could work back with the cities and bring the cities back into the county government; I think there's too much friction between the cities and counties working today in the different municipalities. I know I come from Peterborough and there is a lot of friction down there, and annexation there is not going to help it; it's just going to make it worse. Because the only place there is any building today...we have an annexation now sitting down at the Municipal Board—we don't know where it's going or where they're going to set the boundaries—and the only place there is any building today is outside an annexed area; and as this area mushrooms, as it is right now, it makes for very poor planning, and we're going to run into a lot of problems; they have a lot of problems there at the present time but they're going to be worse in another five or ten years. If this concerns the government such as...there be no more subdivisions outside this annexed area, the first thing we'll know, there will be a Liberal or a NDP government here, because you just can't tell people where they're going to live. (laughter and chit chat)

MR BECKETT: That can never happen.

MR STINSON: I think we've got to bring the city and the county back together.

MR BECKETT: You suggest that we have only one form of government, just the county.

MR STINSON: The county form of government.

MR BECKETT: For the whole province outside the district part.

MR STINSON: Yes, I feel that, and that every county has its own problems; but I think probably we can, by planning, bring these municipalities together.

MR MORROW: A good idea, the province take over the industrial assessment and there wouldn't be too much urge for them to go ahead with annexation or amalgamation.

MR BUCKNALL: (continues, page 6, para 3, line 6) "The

Association also.....and communications." (end of Brief)

MR BECKETT: Mr Bucknall and Members of your Delegation, I'm going to ask Mrs Rowan to read a Brief to you we received in connection with the county form of government-it's from the Municipal Association.

MRS ROWAN: (reads) "We earnestly believe that the Select Committee and the Ontario Legislature must make a searching study of our present system of municipal government. After 100 years, we believe there are weaknesses that are costly and inefficient. One of the most difficult and important problems which the Committee must come to grips with is whether or not the county system of government in Ontario shall be continued. The weaknesses of the county system are becoming more and more apparent each year. We would like to take this opportunity to place before the Committee what we think are some of the major serious defects in the county form of government. First, the county was created over 100 years ago. Back in 1850, Ontario dealt with rural problems. By 1961, with the growth of industry, the bulk of the people live in cities, towns and large urbanized townships; consequently many counties have now within them, very large urban and semi-urban municipalities. These urban municipalities have different problems and different views. They contain the lion's share of the assessment used for county tax purposes. We have now reached the point where the social and economic structure, within many counties, has undergone profound changes. It is evident, therefore, that alterations of structure and duties of a county must come. The county is no longer a practical political unit to fit the changes in our 20th century urbanized society. Secondly, the county violates the democratic principle of representation by population. The problems have changed; the population has shifted; the assessment base is in the urban area; yet the rural municipalities within the county still control the bulk of the votes. This reminds one of the old "Rotten Boroughs" in the pre-1832 Britain. In one county, to give specific examples, 3 municipalities have a total population of 36,131 out of a total county population of 67,914; yet they have only 12 out of 38

votes - 53.2% of the population, but less than 32% of the votes. One municipality has a population of 388 and 1 vote on county council. Another municipality has 16,175 people with 4 votes on county council - 41 times as many people but only 4 times the votes. We cannot believe that the rural person has any more or less intelligence to direct the affairs of the county than the urban person. Let political power be proportioned to population. How can a citizen trust a county government which does not reflect the will of the majority? It is difficult to understand why the multiple system of voting in county council should stop at a maximum of 4 votes for a municipality. We suspect that when this Section was enacted, it was believed that few municipalities would grow beyond or much beyond the 4 vote maximum. We do not know what magic qualities the number 4 has. Many towns and townships have many more municipal electors than are needed for four votes, but are still restricted to four. We have prepared a chart showing representative towns and townships in many Ontario counties."

MR BECKETT: I wonder just there now if you could pick out the ones represented here by these gentlemen and Mrs Ion.

MRS ROWAN: (reads)

<u>COUNTY</u>	<u>MUNICIPALITY</u>	<u>POPULATION 1961</u>	<u>MUNICIPAL ELECTORS FOR COUNTY PURPOSES</u>
Carleton	Nepean Twp.	16,566	7,286
Carleton	Gloucester Twp	16,717	5,868
Welland	Fort Erie Town	8,897	3,733
Halton	Burlington Twp	44,709	over 10,000
York	Richmond Hill	16,095	8,006

MR SINGER: Mr Chairman, while these two Briefs seem to be in direct opposition the one to the other, I don't think they really are....(not exactly) really what they are saying is that there are many many faults in the county system, and the group that we have here this morning are saying there are many many faults with municipal government which could perhaps be improved by incorporating them into a large county system with certain changes, so that these two could well be read together where taking a sentence out of each might make them appear to be the very opposite.

MR BECKETT: That's why I thought they would be interested in hearing it.

MR SAMS: I think we agree with you, Mr Chairman, and Mr Singer's statement...I think that our Association which is working right directly with counties would agree that the present system of county government as now constituted has a great number of weaknesses. What we're interested in doing is giving it a little shot in the arm through some recommended pieces of permissive legislation, which will enable it to fulfill its rightful place, -the secondary form of government between the local municipality and the province.

MRS ION: Could I ask what are their conclusions- did they recommend any....

MR BECKETT: Oh well we didnt nearly finish it, you know-it would take quite a bit of time...

MRS ION: I wonder what their conclusions are because I feel Mr Singer has made the point well and we feel that county government is outdated in its present meaning.

MR BECKETT: If you would like to hear their recommendations, Mrs Rowan will read them.

MRS ION: What is interesting to me is that the only new thing that we've had in municipal government within recent years has been Metro and what is Metro but county government at the municipal level.

MR BECKETT: Well.....same principle.

MRS ROWAN: (reads) "The recommendations are classified under two headings, Interim and Long Run. The Interim ones, that Section 26, RSO 1960 of the Municipal Act be amended to give additional votes to the Reeve and Deputy Reeve as the number of municipal electors increases above 3000, i.e. 3000 - 4000 municipal electors, 1 additional vote for Reeve; 4001 - 5000, 1 additional vote for the Deputy-Reeve; and that Section 11, subsection 5 of the Municipal Act, RSO 1960, be amended to allow towns to become cities at a population of 10,000, and townships to become cities at a population of 20,000. Long Run - That the county system be abolished and the province and local municipalities assume the responsibilities now borne by the counties. (chit chat)

MR DOLAN: Is this Brief recommending that the

rural areas have the vote over the urban and larger townships?

MR BECKETT: That's what they say.

MR DOLAN: That isn't so in Carleton County; we have three townships in the County of Carleton that have the balance of power over 13 townships.

MR BECKETT: That could be. Well Mr Bucknall, would any other members of your delegation like to bring up any other points because this Committee is set up you know, and in our regular Terms of Reference, we're not limited to the lines that you have touched at all.

MR STINSON: Would it be fair to ask your Committee what your feeling is on assessment as part of the province's direction to the county and the townships? Do you feel that you're giving enough direction to the counties and townships?

MR THOMAS: Do you mean by the Assessment Manual?

MR STINSON: On the Assessment Manual, yes?

MR BECKETT: What would you mean by direction? Make the manual part of the statute?

MR STINSON: Yes, more compulsory...more teeth in it--more direction from your Toronto offices.

MR BECKETT: Well if you had a county system of assessment, wouldn't that work itself out.

MR STINSON: They tell me in some cases it hasn't worked itself out up till now.

MR BECKETT: But you only have one county that's trying it.

MR STINSON: That's right, but should there be more direction from the province to get more counties into it?

MR BECKETT: Well for a government to direct that people do things...it is permissive legislation...

MR STINSON: I think we all agree that such is the basis of everything; then do you think we are not getting enough direction in the municipalities from the senior government?

MR BECKETT: Well it's human nature not to be told....

MR SAMS: That's a community thing, Mr Stinson,

not a government matter. (laughter and chit chat)

MRS ION: Mr Chairman, another thing, for instance there are 7 municipalities within the County of York which are eligible for membership within this town and village section; of those 7, two are members because the other 5 do not support these particular views. So in receiving a recommendation from an organization like that, you might actually be receiving a minority opinion.

MR BECKETT: We appreciate that. Our purpose is to hear from everybody, from all sides whether for or against, minority or majority. We certainly appreciate you gentlemen and Mrs Ion coming down this morning; your suggestions will certainly be taken into consideration.

MR BUCKNALL: Mr Chairman, on behalf of our delegation, and myself, I wish to thank you for the attentive hearing we have had, for the discussions, and I am sure this is a great opportunity for our organization to go on record in making certain recommendations to you as a Committee, and we hope that we have been of some use.

MR BECKETT: Thank you. And we hope that you of county council and Mr Sams and Mr Stinson will give us further ideas as the time goes on; we'll be sitting a while yet.

MR SINGER: Mr Chairman, I havent said this about any Brief before, but I want to say this about this one; this is the most constructive Brief, I think, we have received in all the submissions we've had. This one contains some valuable suggestions- long term- to substantially re-orient the whole municipal set-up. And it's the only Brief that has dealt with the problem on the broad basis. Many Briefs have had individual points but this is the only group that has as yet brought forward a Brief that seems to go at the whole problem in suggesting basic changes, most of which, I might say, I personally agree with, to put municipal law on a much more reasonable basis than it is, a more up-to-date basis.

MR BECKETT: I have always felt what a great advantage it was to me to have been a member of county council; the best municipal education I have ever received was being a member of York County Council. Thank you again, Gentlemen and Mrs Ion.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-NINTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

THURSDAY,
AUGUST 23rd, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

Mr J. Norton

PRESENTATION:

BRIEF- CORUNNA

CORUNNA - ONTARIOHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well, Mr Norton, you may proceed; we are very informal, and the Committee may stop you from time to time to clarify any point.

MR NORTON: Well Gentlemen, I live in Corunna, a police village, just south of Sarnia in the Township of Moore. I'm a Research Chemist, not a politician by trade, but I got into it through interest and also as a school trustee. (chit chat repoliticians) Well, Gentlemen, I debated about coming before the Committee a long time; I just wondered just what a country boy like myself could contribute to the Committee's work.

MR BECKETT: We're all country boys.

MR NORTON: Some of us remain more so I guess and never get out of it, but I think something might come out of this, because my remarks will pertain to some observations that any layman could make, and also some suggestions as to where improvements could be made; because I can imagine that most of your Briefs and submissions have been from the larger urban centres.

MR BECKETT: No, no; I would say just the reverse of that.

MRS ROWAN: We've had a number from small municipalities and we have also had a number from other organizations- not municipalities- large and small organizations.

MR NORTON: I'm very pleased to hear that, because when you only get half a dozen people out to a school board meeting out of 700 electors, you sometimes wonder if anyone is interested in what is going to happen to Ontario. Now I think I might make my point clear by this illustration:- If the Chairman and I each exchange \$1- a coin dollar at that, we each end up with only one dollar a piece. we haven't gained anything; but if we exchange an idea a piece, we each end up with two ideas, and that's a gain of 100%. Now it certainly appears to me that one of the functions of this Committee is to modernize the various Acts, so as to catch up with the times; secondly,

to anticipate the future needs, so that we can keep ahead of the times.

MR BECKETT: May I ask how long you've lived in Corrunna?

MR NORTON: Since 1951.

MR BECKETT: And have you ever served on municipal council or board?

MR NORTON: No, just school board and an incorporation committee- a board of incorporation committee which Dr Pleva, Mr Whiteside and myself prepared the Brief for representation to the Municipal Board. I prepared mainly the statistics and Mr Whiteside and Dr Pleva the written text.

MR COWLING: Whom are you employed by?

MR NORTON: Imperial Oil, Research Chemist, Lubrication Engineer. Now firstly, in respect to the Municipal Act, I'd like to make a comment on county councils; I believe these have been discussed, and I believe that these are a luxury we can do without. They more or less duplicate the township bodies, and they're very insensitive to the needs, as I see it, of suburban and urban areas- rapidly growing as we are down in Corunna. Now it retains...if these bodies are retained, I would suggest that the Warden should be elected by the people, and not by the Reeves and Deputy Reeves, as they presently are. To an urban resident, this business of having alternately a Conservative and a Liberal Warden seems rather silly.

MR EVANS: That doesnt often happen, not always.

MR MCNEIL: It doesnt happen in our county.

MR MORROW: It does in ours.

MR NORTON: We may be a bit backward up our way.

MR BECKETT: The Chairman is elected by the council- the same thing, in Metro.

MR NORTON: Somewhat the same system; but to me the metro government is designed by a fairly modern act, five years or ten years; but the county system was anticipated for rural areas when travel was very difficult about 1870? (1849) I just don't think it's sensitive to urban areas...to their needs. Because there is still a bickering among the reeves- you didnt vote for me last year so I wont

vote for you, and we end up with a second rate man. Now the electorate don't always elect the best person, but they at least have the democratic right to cast a ballot. Now this runs all through the legislation on the Municipal Act, the High School Act. Now going to county councils, this is what I find as an urban or suburban township, I believe their regular meetings should be held in the evening, and not the present all day social affairs which they are. They last from 9 in the morning till 5 in the evening and no press reporters stay there; and I find that doubtful legislation is enacted during the daytime, and the day workers can't get there. Now this is not always true, but it certainly is true in many cases.

MR BECKETT: Does that apply to all legislative bodies, Mr Norton?

MR NORTON: I think there are emergencies, but I think most City Councils meet in the evening so the people can get there; they do in our area. I grant you they don't take advantage of their privilege by attending them, but....

MR MORROW: In the suburban municipalities of Ottawa such as Nepean, Gloucester—two very heavily populated suburban municipalities, they meet at night and have for the last number of years. They don't meet in the daytime.

MR NORTON: In our county, we have a...well a perpetual battle between the city boys and the country boys which goes on in any rapidly growing suburban area, we finally had our township council meet alternate second Wednesdays in Corunna Police Village; and then the fourth Wednesday in the daytime, I think it is at present but I find that legislation which is pertaining to the urban areas, which is going to be hot, shall we say, it is held during the daytime so none of us can attend. Now secondly, I think township councils suffer from, and I think this is true of most township councils, they suffer from a tremendous disadvantage, in that they do not have press there. The press cannot get there. City councils in urban municipalities have a tremendous advantage because the press are there to help keep them on their toes; and they know if they go off base, it is going to appear in the paper. This is not so for rural municipalities.

Now some way should be found of having minutes of all county meetings passed on to the local press for subsequent publication. I was talking to the editor the other day and they just cant afford to send a man to sit all day at a council meeting, because there just arent enough cushions on the chairs to make it comfortable; I have tried, Gentlemen, and I found it very difficult.

MR BECKETT: You live in a police village? (yes)

Is there a justification for the existence of police villages?

MR NORTON: That's my next topic. You have just anticipated it, Sir. Well I live in one; and I certainly feel that these are relics from the past in the way of administration; and I do mean relics of the past. I believe they should be abolished entirely or allowed to form a true village, either by incorporation in annexation to form a stabilized community. Now our school area encompasses roughly the half of the Township with an assessment of 6 million dollars; the township is \$11 million; we have 2200 people in the area and about 5500 in the township. And I feel that the overlapping of responsibility between the trustees...the police village trustees who actually have no power-read the Act carefully- and the township council is just not good for sound government.

MR BECKETT: It might have been at one time.

MR NORTON: At one time, yes, where transportation was difficult to get back and forth, but in a car today or a plane, I can fly from Sarnia to Toronto in 1 hour or 45 minutes rather...

MR BECKETT: Would that justify then the extension
of a lot of levels of government?

MR NORTON: I would think so. Because we can travel...we can come in here by car in 4 hours; and no area, even a county at one time-it used to be an all day affair. Today in England people jaunt 60 miles in a week-end; but for we of the North American continent, it's nothing to go to Ottawa-440 miles- and stay there 4 hours and come back in one day as long as you have an alternate driver to relieve you. We have an exhibit here...the arguments between police village trustees and township councillors. (hands over)

MRS. ROWAN: It's an editorial from the Sarnia Gaz-

ette in the spring of 1962, and it's headed: "Kept In The Dark"
 "Corunna's Trustees are vociferously bitter about their exclusion from Moore Township Council activities. Their chief complaint registered before the press last week, is that they are neither consulted nor told about major items which affect Corunna until courses are pretty well set. They cited that Sarnia-Moore water contract discussion as the most recent bone of contention, and claimed that a report outlining a do-it-yourself water supply was presented to them only after everybody else had seen and perused it, although it dealt primarily with Corunna. The Trustees read out the Municipal Act and agreed they had every right in the world to deal directly with Sarnia Council instead of through their parent county council. If so they can make it an easy matter and just sign for the 45¢ rate. The proposed plan would actually boost Corunna water rates even beyond this until plant was paid for. The Chief cited several other instances of being kept in the dark by the Moore Council; whether this is correct or whether the Trustees themselves had not pursued their duty, remains to be seen. Moore Township has been wheeling and dealing pretty swiftly on the Allied Chemical site, and the preparations for its building. One would suppose that the largest group of ratepayers in the township would be openly wooed instead of ignored. In any event, OMB has been notified and asked to step in on the matter; and it should prove very interesting."

MR BECKETT: Any comments, Mr Norton on the editorial?

MR NORTON: I think it's fair because they put the blame partly on the Police Village Trustees, because the onus is up to each individual, if you wont speak up, no one is going to speak up for you. The other thing about police villages, I dont know whether you gentlemen realize it or not, but practically 50% of us who live in police villages could be fined if the Municipal Act was enforced. A two storey house, I have no ladder on my roof; I have no bucket of sand in my house and a lot of other things....(laughter)

MR BECKETT: We've had Briefs on that, but it is interesting to have your views also on this form of government.

MR NORTON: Well to be honest about it, it takes us

back to the horse and buggy days.

MR BECKETT: Do you know how many there are in the Province of Ontario? (10)

MRS ROWAN: More than that; I havent counted them but here's a listing of police villages in Ontario....

MR NORTON: May I add there are just that many too many. (laughter) They served a useful purpose about 50 years ago when you had two or three houses around a local intersection, and to please everybody, it had three trustees that looked after...well I dont suppose they worried about a dog catcher in those days; but nowadays the people who are trustees, cant even requisition money; they have got to get it from the township council and the township council can overrule them in everything.

MR BECKETT: How do the trustees in your village feel about it?

MR NORTON: I think they'd rather have an incorporated village on their own; we applied for incorporation in April, 1958 and it was held in abeyance because....I'll discuss it with you a little later...but we felt that the OMB, the quasi-judicial body, at that time was not qualified to carry out a proper survey. They just carried out a hearing, and on my next point I'll bring it out.

MR MCNEIL: How large it it? (2000)

MR BECKETT: How many acres?

MR MCNEIL: Do you know what your assessemnt is?

MR NORTON: The assessment is \$1½ million for the police village; and it is ¾ mile X 1 mile, roughly...it's laid out in an early British Army survey, 1836, of 66', 88', 99' streets wide, the blocks with an extra link for every chain which causes no end of trouble.

MR MORROW: Is there a monument to Sir John Moore, Battle of Corunna, 1809? (chit chat)

MR NORTON: Well the Ontario Municipal Board, I think, has rendered tremendous service to Ontario since it was incorporated sometime in the '30s....

MR BECKETT: Long before then. It was the Ontario

Municipal and Railway Board; I appeared before it in 1923.

MR NORTON: Sometimes it's a good thing to look back; just before I came back, I went back through Rome and Greece and some of the other history to government; and that's what decided me to appear here. It was the citizens duty in Athens and Sparta to take up these left-footed ideas, shall we say, sometimes and get up and speak your piece.

MR BECKETT: More should do it.

MR NORTON: However, I just wondered if the Municipal Board and its functioning shouldnt be re-examined in the light of this rapidly growing urban trend in Ontario; because a useful board has to be a quasi-judicial body apparently; and as such, the rules of evidence apply at a hearing, and I'm quite sure that a smart lawyer...any representative, can suppress evidence by just introducing improper questioning. Because I know at a recent hearing where petitioning...they dont do it deliberately, but I think the Chairman of the hearing often talks the representative out of introducing some...say petitions. Now for example, we had about 300 names on a petition out of 700...well he kind of talked him out of introducing it. Now as I see it, that would never appear on the record when it got back to Toronto.

MR BECKETT: Mr Norton, you have to remember this, that no administrative body is bound by the rules of evidence.

MR NORTON: Well I'm no lawyer, but I...

MR BECKETT: That's correct; it might be a court of record but they're not bound by the rules of evidence...they have very wide latitude.

MR NORTON: Here's a Brief which we prepared for the incorporation...the statistics are fairly sound...Dr Pleva, I think you all know him....this was not allowed to be submitted or even read from during the hearing. Now I know a great many Members of the Legislature have used this in reading newspapers during or when they are introducing evidence in the Legislature, so I cant see why when it is in the interests of fellow citizens in Ontario, that we laymen cant do it at a hearing.

MR SINGER: Who was the Brief written by? Was it written by Dr Pleva?

MR NORTON: No..Whiteside was the lawyer who prepared it but Pleva and myself and Duchesne helped.

MR SINGER: Surely anyone who had to do with the preparation of it could have given evidence.

MR NORTON: Well let me finish...at that time Bill 181 I think it was, was being introduced giving the OMB powers to have area hearings-wider powers- and we thought in the interests of better government for the greater Sarnia area, which I think is a credit to the citizens of Corunna, that we could get a better plan now and this hearing has been asked for in April, 1958 and no action has taken place yet.

MR BECKETT: What do you mean by that? Has the application not been heard?

MR NORTON: Well I dont think the application is in order in all ways; now as I understood it, it was the adjournment of the incorporation of Corunna was made on condition...this is my understanding of it...on condition that the applicants apply for a hearing; this is my interpretation at the time.

MR BECKETT: It doesnt sound right to me.

MR SINGER: I dont follow it at all; what is your complaint? The hearing was adjourned....

MR NORTON: There's no complaint...I was just saying ...the facts...this is all past and I dont think you can do anything by complaining or by criticism...what I am saying is that it is difficult to present evidence sometimes.

MR BECKETT: They have that very wide discretion... mind you, you can appeal the decision of any administrative board on the question of law only.

MR NORTON: I think I can Mr Singer in this way; to a layman, the OMB hearings appear very cut and dried. Now I say that with all due respect, but almost in some of them, it appears to me, a scientist, that they had almost made their mind up before they had the hearing.

MR BECKETT: Have you attended many?

MR NORTON: About three, in our own area.

MR BECKETT: I have attended hundreds.

MR NORTON: I have to admit there might be some bias there in the local area, the local interests. Mind you, I don't think Ontario would be where it is without the Municipal Board--there's no doubt about that. But I do think some...I would suggest that they be given more powers like a Royal Commission, in order to seek out more the pros and cons.

MR BECKETT: There is a large difference between a Royal Commission and an administrative body.

MR NORTON: As I understand it, a Royal Commission has a power to ask the pros and cons of all questions.

MR BECKETT: They have too.

MR NORTON: But in their time schedule--do they have enough time?

MR BECKETT: It's entirely up to them; they are not restricted.

MR SINGER: They are not an investigating body; they don't initiate things as a Royal Commission.

MR BECKETT: They may, they may, under the Act.

MR SINGER: But that's not their rôle.

MR BECKETT: They may employ engineers to make surveys..

MR BELISLE: We had that at Sudbury and we had to wait seven years for a decision. They asked for amalgamation and before they made the decision, it was seven years. (laughter and chit chat)

MR NORTON: Now jumping over to the Telephone Act, this is probably the reason why I first wrote to the Select Committee. Some of us have the misfortune to be governed by the Telephone Act in our systems. Now we have a lower municipal telephone system, basically sound and...

MR BECKETT: Owned by whom? Shareholders?

MR NORTON: It's a question mark; it's so old, it's lost all the debentures and all records and I don't think anybody really knows who the owners are.

MR BECKETT: Incorporated?

MR NORTON: No, they're not a limited liability company; they're a township....a municipal telephone system as covered by the Act, 1960....I would say owned by the township and the township are liable....

MR BECKETT: Most of them are incorporated.

MR NORTON: When they initiated these telephones systems, as the farmers did about 60 years ago, they used to put up \$100 debentures, but the township had to stand behind it, and this was a lien against their property. Now these have all been lost so they have initiated new certificates to anybody who signed them is now an owner. I have a nice share and it says I'm an owner. The Moore Municipal Telephone System- Ownership Certificate. This is to certify that the present registered owner of lot so and so, as set out in the assessment roll of the Township of Moore is a subscriber and part owner of the Moore Municipal Telephone System in accordance with the Telephone Act 1960 RSO, Ontario. Now this is what I feel is nebulous....It is here understood by the holder of this certificate that the automatic cancellation of this certificate will occur, firstly, when the present owner of the land above described no longer has a Moore Municipal telephone installed on said property, or secondly, when the present owner has no longer any interest as owner in the above described property. It's a conditional certificate, but I still claim the Township of Moore owns the Telephone System, and therefore the...

MR BECKETT: It's signed by whom?

MR NORTON: Dated at Toronto, this 21st day of October, 1960, W.F. Marshall, Chairman and J.S. Gates, Secretary-Treasurer.

MR SINGER: I don't suppose you know who appointed them?

MR NORTON: Well, the rate payers....anyone who attends the annual meeting...subscribers. Now I feel...one of the first recommendations for urban areas, the telephone system might be better administrated under the Dept of Municipal Affairs rather than under the Dept of Agriculture.

MR BECKETT: Under the Municipal Act.

MR NORTON: Exactly. Now to me the Telephone Act is very cumbersome because it's just as antiquated as the Dept of Education Act for rural schools. You'll have an annual meeting sometime in the spring; at the first one if they dont get so many subscribers out it will be held 7 days later and that means it requires three persons to form a quorum and my recommendation is that these telephone systems be either sold, consolidated or made to form limited share companies-limited liability companies.

MR BECKETT: What interest have you in the company when you investigated it?

MR NORTON: Well our lawyer says I have one vote at the annual meeting, and in my original protest, I was outvoted 1 to 60 about debentures. Originally they had debentures for the system; they built a building which was half constructed before they had approval for debentures, and I thought that was wrong; because as a school board member, why couldnt our school boards do the same thing?

MR COWLING: In some instances they do.

MR BECKETT: Who's liable for the debentures?

MR NORTON: I dont know; I would say....I wouldnt want to make anybody liable; I would just like to have it put back to the vote of the ratepayers of the town...I'm quite sure they'd approve the debenture; but at least they'd know about it. If it hadnt been for the press being at this meeting, I'm quite sure the rate payers of the town would never had known. Now the election of the commissioners, they should be ,instead of the annual meeting, which I think is like the rural schools, quite antiquated; they should be at the same time as the township council, because this is the only way you can get the people out to these meetings. I mean you have to advertise every meeting nowadays to get attendance; and people usually attend...we get about 60% out to municipal elections which I think is very good; and you'd have everybody voting at the same time; they take one day to vote.

MR COWLING: Do you support one municipal election day right across the province?

MR NORTON: Something like that, or for the area. It may not be right across the province, but certainly it should be in an area; December suits us in our area quite well. We have fairly mild weather and travelling is not too severe. Well now skipping over to the two Sections on education, and this I can speak to as a public school trustee with a concern for education. Well the one room rural school, I think is going out the window; it served its day like anything else as the horse and buggy served its day; but now we're into the jet age, and our kids no longer talk about airoplanes, but space ships. They leave us behind in the science field.

MR BECKETT: Will the small school section go with it?

MR NORTON: In the intervening section, I would suggest that these school sections go over to the township school sections -have one school, because this gives the board certain advantages. The township school area has the same boards, the same powers as an urban board in the dealing with debentures and construction. As it is now with the one room school or a three member board has to go before the electorate at a special meeting; and they do get hot. And you dont serve the cause of education too well at some of these meetings.

MR BECKETT: That is democracy working in its true form in that way.

MR NORTON: That is true but yet the trustees if they take the time to properly educate the people with the press and that; but suddenly thrown upon the people, you know yourself it takes quite some years to pass certain legislation because people have to grow. In rural areas, you win more by good humour than you do by trying to force things through-I'm well aware of that. Now five trustees on a board are a lot better than three because you'd eliminate these personal conflicts you have. I sat on a rural board once and I was always outvoted 1 to 2. I couldnt even get a motion on the books; if you had a five member board, you would at least have a mover and a seconder and you'd get it on the floor. You may be outvoted but it's their democratic and if you're outvoted 3-2 you at least get it on the floor for discussion. And it does away with that poorly att-

ended meeting at the end of the year which I think reads, the last Wednesday in December, and if that be the holiday, it will be the next and this should be Boxing Day; so...these annual meetings were social events at one time but they are no longer any more, and I think a lot of school board members think the whole thing is a social event.

MR BECKETT: Well it might be the centre of society in the smaller area.

MR NORTON: It used to be, but with cars people go to town and to other areas.

MR EVANS: Do you think school boards should be all elected or should they be appointed?

MR NORTON: Thank you very much; this is right down my alley. I think they should all be elected because district high school boards, suburban high school boards, these members are appointed by councils, and usually one member by the larger public school in the area. These people handle large sums of public money, as large as... in some cases up to \$1million and I fear that some of these members- just a minority, not...enough to spoil them- feel that they are responsible to the township body who appointed them. Now we're only human and I doubt if any township council would appoint a man- very few would appoint a man who strongly opposes council either to a planning board, a highschool board- they've got to be a very progressive board to do that. But the rate payers might like such a man.

MR BECKETT: In other words, you think that if they appoint members to boards, these men reflect the boards that appoint them.

MR NORTON: There is some tendency to believe that; I had a personal experience. We appointed a man outside our school area, because first he had taught at a university; he was familiar with the educational requirements of the Sarnia area to begin with. Now we require a very technical man...Ryerson Institute supplies the most of our men and the university supplies the rest. It's a complex society. Now there was quite a little squawk about us appointing a man outside our local school section-why couldnt we find a man inside? Well we honestly felt that the man was better qualified, and we had

the right to appoint anybody in the whole district high school area as in the large public school. This is just one reflection and as Chairman of the Board, I certainly was quite adamant in our views, and stated so publicly and I think the people are satisfied now.

MR BECKETT: Did he stay appointed?

MR NORTON: He stayed appointed, by a ruling of the Prime Minister, the Minister of Education and the ruling of the Municipal World because there was no one who took the trouble to challenge it. Now many times the best interests of education are not the best interests of the municipal council; and with our municipal councils trying to curtail expenditure by this and that; but I think there's a happy medium, Gentlemen. You just cant go hog wild on buildings, and not have sewers and other things...I mean school buildings-there must be a medium; and we, as school trustees, I think, can be criticized for not making proper use of our schools-this is another thing in itself. The schools are only used in a small way in our area, and we're trying to encourage the use of them in the evenings, week-ends for the municipality. It's difficult to do, Gentlemen; you have to educate the people; it's slow. Teachers dont like working shift work...

MR COWLING: Do you think the local council should have more control over the school budget?

MR NORTON: As a school trustee, I'd say no.

MR BECKETT: Would you agree that a common council a council of everything, including schools...is workable.

MR NORTON: That's the best way. Yet I think municipal councils have enough problems, and some of the ones we're familiar with, I'd be a little afraid to trust education to them.

MR MORROW: They're not specialized enough.

MR NORTON: Education is a very specialized subject nowadays. To try to keep up and to attract people who are interested.. we serve without any salaries-what worries us most is trying to get better men and that sort of thing. But it is so specialized and you have to deal with a peculiar profession, namely the teachers.

MR BECKETT: When did it become so specialized?
we all of us...I went to the little red school house of one room, and

two or three of them are Rhodes Scholars; how and why did it become so specialized?

MR MORROW: May I interject here? Well the little red school house is gone, Mr Chairman, and the larger unit now...they are dealing with many teachers and a greater diversity of subjects....

MR BECKETT: Dont results count?

MR MORROW: Oh sure they're getting results; but I say the members of the council have enough to do with their own council that they havent got the time to come to grips with the subjects dealt with by the school trustees.

MR BECKETT: And I say they have the time if they have the proper set-up.

MR MORROW: I would hate to see some councils on some of the schools I know of....

MR BECKETT: That might be but the reverse could work too.

MR MORROW: I wouldnt want to be principal in one of them.

MR NORTON: I think you've hit on a very important matter here; it's a different relationship between a teacher and a board-there's a professional relationship, and I dont think this is a case of municipal employees.

MR SINGER: What do you mean professional as against municipal employees; many municipal employees are engineers, lawyers, architects....

MR NORTON: I dont speak for a suburban set-up; I have lived for 12 years in a rural set-up and I dont see that they are really looked upon as professionals, but....

MR BECKETT: Well their auditors have to be.

MR NORTON: As far as I can see, there are only two professions, arent there, law...lawyers, doctors and engineers and chartered accountants, I think are covered by the Legislature, but other than that...oh yes, teachers too. You asked the question, Mr Beckett, when did it become technical? I think it became technical this second revolution was when the Atomic Energy Commission...nuclear fission in 1938, before the war, and we suddenly realized that without

a technical education, people were having trouble holding a job.

MR BECKETT: I appreciate that; but the qualification for a school trustee is not any greater than that of a councillor.

MR NORTON: No, but sometimes it is hard to find them.

MR MORROW: The point I was sort of getting at is the fact that they can have a pretty full time, you know with their regular employment, and they can spend two or three nights a week on school operations. Now if they had to do that along with council, which they cant find time to do all the things they'd like to do, because there is not the time for them.

MR BECKETT: I would say that elected members of any organization are not administrative as well as legislators. They have the legislative end of it and have proper officials to administer they dont need this.

MR NORTON: This may be fine, Sir, for larger bodies but for a small area like ourselves, we are a township area of one school section; we have three schools, 550 pupils. Now we have one supervising principal to administer and he takes over a lot of the academic work as well as administering-one man to do all that.

MR BECKETT: You, as a trustee, dont you only legislate?

MR NORTON: Oh yes...well I go out to pick up contracts on plumbing...we all have to divide our duties, and to share the load, the administrator just cant do all that. And you cant afford to hire enough people-it's only a part-time job for a secretary. No we do more than legislate. I would like to spend all my time on the theory, on the academic side and the other fellows take care of the business affairs; I would like to find out how to get more out of our education-how to improve it, follow these students up and find out where our curriculum is in error.

MR SINGER: I would enjoy hearing what you have to say about the curriculum, as perscribed by the Minister.

MR NORTON: We have quite a bit in our local area-there is some prescribed by the legislature, yes, but there's....

MR MORROW:optional subjectsfor the local body

determine what course they will take.

MR NORTON: And we have the right as citizens to speak up that this is not right-that you're wasting time. This is progressive education and we're trying to educate everybody the same, these Rhodes scholars and the good men we're going to need, Gentlemen, are not going to have enough competition. We use that word at sports; we compete. I think that word has been thrown out of the schools now and the word "happy" has taken its place.

MR BECKETT: Which you dont think is right?

MR NORTON: I dont think it is right because we're not happy; I admit sometimes we work better when we're a little cross, or even frustrated.

MR BECKETT: You cant take competition out of any business or schools or education or anything else, or sports. (no) Nobody argues against the very best education for everybody, but can it be done at a smaller cost?

MR NORTON: Yes I think it can be done, but it's going to take some sharp pencil work and some dog gone good brains too, to do it, to figure out ways of doing it; because I think we're set for a mass production...

MR BECKETT: Isnt that what it is today to a great extent?

MR MORROW: Certainly I think it's getting more and more that way with the larger units; you dont have time to be personal.

MR NORTON: I think so too. It's very impersonal, large units for sake of efficiency; you're doing things which remove the student away from the teacher. This is I think the secret of the rural school-why it survived. One teacher knew the peculiarities of every student. I'm darned sure those teachers 20-30 years ago gave such attention. Now you have to have an auxiliary teacher and...I dont regret the money spent, although to get this money out of rural Gentlemen, is really quite difficult. We tried to solve the problem by using a monthly news letter-just send out a lithographed one page letter once a month, giving the school activities and what we're trying to do, both in the academic field and in the financial field. Sure, we're getting some repercussions, but we're finally getting the

people behind us. Now when we get ready for a major expenditure in certain things in a year or so, I don't think we'll have any trouble. Now we're looking ahead and trying to save money. Publicity, I think, is one of the things that school boards...all municipal bodies are very lacking in. I believe a newsman is fairly honest and will interpret the news and I think he should get the news; but we never see him...we never see a reporter and my experience on the school board is over five years old and I've never seen a reporter attend our meetings, and there are very few visitors too. We can save money, Mr Beckett, but I don't know how we can get around some of the Acts.... it's very easy to criticize but boy, you've got to have an alternative to it. I don't know where the money is coming from...what the answer is...because we say let the provincial government pay for it; we work on it and you give us a 50% grant, but what are you going to do. You're naturally going to buy a new boiler when you've got a 50% grant when a second hand one would do-but how can a Dept of Education be so huge, have so many various administratives; how can it find out what is going on in a small area?

MR BECKETT: Mr Norton, the government makes this grant at so much per room; what would you think about freezing that-that's all the trustees can spend; they've got to live within the... say it \$30,000 a room? That's the basis?

MR NORTON: Would that be fair for all over Ontario- because in Sarnia the general costs are high; in certain areas, say around Brantford and some other areas, construction costs are cheaper. We can probably build a four room school for \$80,000...that's \$20,000 isn't it, but I'm quite sure there are other schools throughout Ontario that are building the same school, maybe a little simpler and that, for \$60,000.

MR EVANS: You think then there are a lot of frills that could be cut off schools? (oh yes) I agree.

MR NORTON: I think the architect can design for \$20,000. What else would you do-I mean you know you get \$20,000 grant....

MR BECKETT: Whose fault is it then if they go over the \$20,000?

MR EVANS: The school board.

MR NORTON: School boards and architects...architects, I mean this is where I quarrel....

MR MORROW: And the parents themselves, they seem to want the best, the most elaborate set-up they can get; isn't that right?

MR BECKETT: The parents aren't running the school boards.

MR NORTON: Aren't we as parents wrong; we're wrong, we don't want our sons to work as hard as we did in certain things; we want them to have an easier life. Now is that right? I don't think it is but what do we do? We naturally protect our children from some of the shocks...

MR BECKETT: Would the cost of the school change that then?

MR NORTON: Costs...I don't think I can answer that.

MR BECKETT: Well if you can build a school room for \$20,000 and they're going to build it for \$60,000, is that going to give them a better education?

MR NORTON: It's motivation of the teacher that gives you the better education...

MR BECKETT: Then it would be much better to pay the teacher more and better salary and the schools cost less.

MR NORTON: Well actually you can get a good education in a barn if you have a good teacher of course.

MR BECKETT: Absolutely, that's what I say.

MR NORTON: If you have a really dedicated teacher;

MR MORROW: And equipment.

MR NORTON: But now I think a teacher has to have an understanding school board, because believe me, a lot of teachers and a lot of good staffs, their interests are squashed when the school board won't give them any interest, won't give them any money, facilities; we see this—it's a compromise. A teacher, a professional he feels he needs certain equipment to...new reading...there's all kinds of new gadgets coming out on the market, Gentlemen, for faster reading and auxiliary education and the like, but it costs money. Now are you going to stick with the old conventional method with your

reader with so much repetition. I tried the psychological tests on my own child. The first two rows of arithmetic-no errors. The next three rows, an error in each one; why? Because the next three are just a repetition of the first two. He lost interest; he knew how to do it. Now I've taken it, two rows and gone on to the next lesson-two rows etc and no errors all the way through. But as soon as he has to keep repeating these dull things....

MR BECKETT: Well Mr Norton, all the new methods, do they make it possible to get a child his entrance into high school younger than 11 or 12 years old?

MR NORTON: Well I think grade 7 to them is lost.. 6, 7 and 8 could be put into two years; I'm sure of that. Elementary school curriculum, I think, is too light and too simple for the modern day kids. I think they're basically smarter-the're sharper than we are, at least I...

MR BECKETT: By how many years?

MR NORTON: I'd say one year anyway; it's pretty hard to say...

MR MORROW: Now you take the 8 years and the 7 who take grade 3 and 4 together...

MR NORTON: But this is only for larger urban centers in the rural school, it takes 9 years to go through elementary school, from kindergarten to grade 8; because if you skip a grade, I think it is fatal. What is done in the rural school, they'll skip maybe grade 4 and they've lost out a lot of fundamentals, arithmetic etc. Going back to our school days, I know where the fault lies in skipping things in school-in my case English, but we had no motivation in certain things.

MR BECKETT: But you cant develop everyone at a certain speed and the ones they develop at a faster rate, they cant go into university when they're 15 and 16.

MR NORTON: The English do it; I'm not for or against it right now, but certain countries do it. Six years elementary and often a lot graduate from university at 20 and 21; most of us are 24.

MR MORROW: I think it is more the private schools

though and those regulations; and if they're a little immature when they get into it, they mature a bit faster because they're on their own when they leave the local scene and go to a university in a big city and they need a little maturity.

MR NORTON: I just wondered if we do make the best use of our time, what with two months holidays in the summer and holidays, Christmas and Easter-no I know the teachers are going to be opposed and some parents, but I do think the curriculum in the elementary school will be changed this year or next probably. I understand it's being worked on anyway. The highschool one has already been changed-drastic changes in mathematics and we have a so-called Grover's plan in the secondary schools and craft programs too, and I think it's going to motivate more people. (chit chat) Now I'm going to skip to the next subject here, industry and business and politics. Now someone will say: Heaven forbid; keep those business men and industry out of this thing, but is this true?

MR BECKETT: No, we feel otherwise.

MR SINGER: How do you get them in?

MR NORTON: That's what my point is here; we certainly need better qualified men in all levels of government, and they are needed now in every industry. The technical age is here, and thank goodness some industries are suddenly become aware of their obligations. Now you sometimes have an interest, a sign of interest, but deep down the companies, I feel, and other people we work for, are suddenly becoming aware of it, because you notice in Time that some firms, and this has all been printed in our technical magazines, that our larger oil companies, chemical companies etc are giving programs in political science to their employees, and encouraging them other ways to run for office, giving them leave of absence with pay now this is something very new. Now we know that most of the science teachers in the high schools in California, come from industry, and they are loaned for a year or two- and these fellows have great fun teaching for a year or two.

MR BECKETT: You agree then there should be no restrictions on anybody running for a municipal office?

MR NORTON: No, I dont think so; but it's very difficult because it is difficult to do two jobs, and municipal affairs, I think is a full time job for somebody.

MR MORROW: Well there are new stresses on technical and trade education in this province; and there is a beginning of working in quite a few of the business and professional people who are now coming back into the teaching profession.

MR COWLING: You're not very concerned with business men and with conflict of interest and all this sort of thing?

MR NORTON: I dont worry too much about that; I know that you are going to have the 10% of these people deviate possibly, but in the overall run the members are better trained and they will certainly make fewer mistakes and will probably be less costly.

MR SINGER: How are you going to get these people to run? Do you suggest that the government should say to Imperial Oil for instance, you must allow your employees time off with pay to run for public office?

MR NORTON: I dont think you can dictate, but Gentlemen, you can educate; and this is where you gentlemen can...you have the privilege of meeting quite a few leaders of industry through your daily contacts-you meet presidents and directors of companies, and through your talking to them, show them your needs, and in time you will have these men willing to set up this type of program with their companies; I agree that sometimes in the interest of science, scientists and politicians and religion sometimes certainly dont jibe, but I think it will disappear and there will be more engineers and business men in government. True lawyers and farmers, rural people-certainly were the standby of our early government. But now with everything getting so complex, business-wise- what with the devaluation of the dollar and all these things, we laymen have a little trouble understanding it. We're in an atomic age, a nuclear age, and all these things affect us.

MR BECKETT: Mr Norton; we have had requests through Briefs that there should be restrictions placed on people running for council-Mr Cowling says, conflict of interest, or anybody that has an

interest in the corporation or a director...some have called them second class citizens-they're not qualified and they want more restrictions imposed so that only certain people can run for council or any board.

MR NORTON: By conflict of interest, you mean he has a contracting firm that it would look very suspicious if he ran for Reeve of that Township if he or his firm gets the contracts from the township. (yes) I dont know how you can run that stuff right now unless he took a term , this is why I say to take a term, a two-year term in rotation, that they be asked to rotate; this is what you do when they loan these men to universities and that and the companies take it as a matter of course to rotate.

MR BELISLE: Dont you feel that what's been said right now that the industry is running the government and it would be more so?

MR NORTON: Well this is what is coming unless something is done about it, because I'm darned sure that companies are finding that their interests are being hurt, such as in the United States by having certain congressmen who are against everything or against business; and I think this is part of what's happening in my own opinion. Now fortunately I have never had any...myself only from our industry in Sarnia who do run for office and I dont think there has ever been any dictation of policy, and I know of no case by management.....

MR BELISLE: No but you must read the paper every day where it says that Big Budiness is running the country. (yes)

MR THOMAS: You may not know of such cases but they do happen. You remember Charles Wilson when he was elected to that position in the States and he was questioned about his interest in General Motors, and he said what is good for General Motors is good for the nations.

MR NORTON: Especially when General Motors was supplying most of the armed vehicles. But unfortunately no one else besides General Motors can supply that line; now where...

MR BECKETT: Do you think that is a conflict of interests? In this case of Charles Wilson?

MR NORTON: No.

MR MORROW: He's a forthright man.

MR COWLING: Mr Thomas is from General Motors in Oshawa and there's no conflict of interest there. (laughter)

MR NORTON: Maybe you'll have to have a referee to rule on these cases if there is a man who has a conflict of interest and there is a bid out by his firm, maybe there should be a referee.

MR COWLING: Arent the voters a pretty good arbitrator?

MR NORTON: I think so; we have seen a few cases of that certainly, but unfortunately in the States, the Cabinet Ministers are not elected they're appointed; our English system may be a bit slower and more conservative, but I think essentially the electors have the say.

MR COWLING: Well I hope the say is Conservative. (laughter)

MR SINGER: Dream on! (laughter)

MR NORTON: Well you come actually to municipal ethiess-we've already covered that. Well I think the day is past when you can start fobbing the people continually; I dont think you can go on insulting the intelligence of the voters. My grandfather used to tell me this and he was mayor of a village or town for about 13 years in a row. It is said you just cant tell all the truth to the people; they just dont understand. I think if it's done right to the press and through other areas, they do understand, because I think the last election saw that; and I think one side was being over-optimistic and the other over-pessimistic, and I think there are a lot of former M.P.s, now retired because of that.

MR BELISLE: Do you feel it's always right what's written in the paper; it's not erroneous in any way?

MR NORTON: No. The press can have their news slanted; you have to know the paper; you have to know the editor and whether it is an honest paper in the sense that it is trying to present an honest picture. But I think a good reporter....

MR BELISLE: But you dont know that any of these reporters...often they send in a report when they do not know the facts.

MR MORROW: Are you alleging that the news is somewhat slanted...

MR NORTON: You can make your own press releases; I admit it takes time.

MR BELISLE: Well how can you make your own press releases when you requested that all the matters of the council be given to the press- the minutes.

MR NORTON: Well there ~~is~~ the more costly way of making the minutes and having them distributed-print them verbatim.

MR SINGER: But who is going to read them. (chit chat)

MR COWLING: Do you believe, Sir, that there should be a code of ethics for municipal councillors?

MR NORTON: Well, we school trustees have our dos and donts for school trustees; and by jove it's a bylaw, because it just keeps you out of hot water. There are a lot of dos and a lot of donts.

MR COWLING: Dont you like hot water occasionally; that's part of the fun you mentioned when you first started off. If you took all the hot water out of politics, and the fun out of politics, you'd better keep out of it; it wouldnt be very fascinating.

MR NORTON: Yes and it's exciting too.

MR BELISLE: And it gives you knowhow.

MR NORTON: True but baseball and golf are fun too but they also have rules; now you know some fellows cant add. I play with a dog goned good chartered accountant, but when it comes to see the score, he just cant add. (chit chat) That's why we have umpires to call the shots if these fellows are not on to themselves. This is what I think we need in local affairs maybe, an umpire or referee to call the shots. Now I think I blame the Legislature on this school theme of misguided councils, municipal and otherwise continuing or making errors, and then they're getting pulled out. Now you OK a building completed; you approve it but the people of that area never about it. If there is any difficulty the local MLA will get them out of trouble. I know the feeling; the council will say: Well our MLA will get us out of trouble, so everything is loaded on to your shoulders; you bear all the rowing around here to do this and to do

that- and I know sometimes private bills are introduced to take care of it, but...

MR BECKETT: All those fringe benefits.

MR NORTON: Gentlemen, are you actually doing the councils a favour; are you not breaking down the heart and soul of our democratic government? Should not these gentlemen stand on their own feet and face the electorate? Now I'm quite sure that the people will approve a debenture; but I'm quite sure they'll also remove a few of these,, I think the word is ill informed trustees and councillors. Now the Act is there, the Municipal Act and the School Act; it's tough reading, I grant you; it takes two or three nights to go through it, but you would have, at least an idea where to find the various things; and you could always go to a lawyer.

MR MORROW: And you could take some lessons too.

MR NORTON: Yes, take lessons too. In fact some of us are still taking lessons, I guess, from experts; you go to somebody else for advice. I mean in our work, we go to a university to talk to an expert; and I presume today, I'm talking to experts in municipal affairs. I imagine you have served in councils and I'm merely a trustee.

MR BECKETT: Yes all have served. We have two Wardens from two counties; we have a controller and ex-mayors and reeves and...

MR NORTON: Well I think you gentlemen know better than I do what aberrations do occur, what deviations from the Act do occur and all I'm asking is, are you not tearing out the heart of our democratic system by doing this. Is this not misguided kindness? Sometimes we have to spank our own children; and it hurts.

MR MORROW: Mind you, if you on a school board go in and start building before you get Ontario Municipal Board approval and you've got to have accommodation before September for X number of pupils; you've got to have those class rooms ready and your municipality is going to suffer if you don't get a private bill and get it validated; it's the only recourse you have, and you have to sometimes do these things for the good of your own municipality.

MR NORTON: Common sense does dictate and rules are

are a good guide and should be the general thing to do.

MR MORROW: But there may be exceptions.

MR NORTON: But should not the people of the area know about it? What I am complaining about is that they are too often just buried and there are too few in the area that know about it; now the telephone system was one; and you know about St Thomas-you've read about it in the papers. And these are only isolated cases. And they must be happening very often because I think Mr Cass said something about the paper early in the spring. What I am asking is are you not breaking down our democratic system by doing this...more or less giving a blanket approval. And this is why I've heard councillors say: Well we really don't have to care, because we'll get it to pass anyway. I, as an individualist, just don't like that attitude.

MR BELISLE: Do you believe that the oath of office should be changed where it says that you serve to the best of your ability? Do you think that in some cases the best of his ability is not good enough because a mistake has been made?

MR NORTON: An honest mistake...Sir, we'll never make progress without making mistakes.

MR BELISLE: You believe to err is human?

MR NORTON: Yes, but don't make that error a second time; that's how we learn.

MR COWLING: There's no coming back for a second private bill-no sir. (chit chat) Did you ever come down to one of the Private Bill Committee meetings? (no) Well you come on down and see when we have one of these matters to deal with and see if the local people don't get a ride.

MR NORTON: But that's just the member-the local member?

MR BECKETT: Oh no, no, the councillors-they've got to appear before the Private Bills Committee.

MR BELISLE: Even the lawyers are scarce (laughter)
(and chit chat)

MR NORTON: Someone made a suggestion about the dos and don'ts of municipal trustees; I think that would be invaluable. Have you seen this one on the school trustees? It costs 50¢ and it

is tremendous.(passes book) It's put out by the School Trustees Association; they tell you how to handle debentures, how to start building programs, the steps you have to do. This is what we laymen need.

MR BECKETT: We had a gentlemen here the other day, Mr Norton, and he suggested that anyone going into any form of politics should go to school-take a course.

MR NORTON: I would certainly enjoy that. (chit chat) Well Gentlemen, I think I can close with a reference to Dr Teller; I am sure you all know Dr Teller's ~~views~~- outspoken- but I can only say as a layman, it's the spirit in which you attempt to solve any of these problems can best be illustrated by Dr Teller's remarks that a pessimist is a person who is right but gets no satisfaction from it. An optimist is a person who chooses to believe that the future is uncertain, yet it is his duty to do something about it. And this I think, we,as private citizens,and you,as our Members, can do something in municipal affairs that is useful but it is difficult.

MR BECKETT: It ought to be part and parcel of everybody's life. I'm sure, Mr Norton, the Committee appreciates your attendance here before the Committee and your observations. Any questions, Gentlemen? Well thank you again, Mr Norton. Good Bye.

MR NORTON: Good Bye, Gentlemen, and thank you for your kind attention.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE TWENTY-NINTH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

FRIDAY,
AUGUST 24th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

Mayor Les Cook
Walter Gigg - City Manager
J. Hoover - Markham

PRESENTATION:

BRIEF - CITY OF BARRIE

CITY OF BARRIEHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, Mr Evans will introduce the delegation.

MR EVANS: Mr Chairman, I am very pleased to introduce to you the Mayor of the City of Barrie, Les Cook; Les and I sat on County Council together during the separation of the City of Barrie from the County of Simcoe. Les was the Chairman for the City of Barrie, and I was the Chairman for the County of Simcoe. And I must say that it only took us about a year to settle our problems, and I think probably it was a record set for Ontario on a city separating from a county. And we have also with us this morning, the City Manager of the City of Barrie, Walter Gigg, who was Controller for some time of the City of Barrie, and I believe you are the first City Manager of the City of Barrie.

MR BECKETT: What year did that take place? (1959)
Well Mr Mayor and Mr Manager, you may proceed to talk to the Committee; we are very informal in our procedure and we would be glad to hear from you on any aspect of municipal affairs.

MR COOK: Well, Mr Gigg has with him a submission, and I understand that you have copies; I would draw to the attention of this Committee this list of clauses, each of which have become important to us, as we feel that they are important to the whole municipal structure. Now, 1. Classifications of Municipalities. In this connection, it's our feeling that there seems to be a growing demarcation between rural and urban in much of the development, except by some of the structure; so this is pointed out in our recommendation, that the lines, if possible be defined a little better.

MR BECKETT: Then Mr Mayor would you want the idea to be that we have two classes, urban and rural municipalities-would that be your thought?

MR COOK: Yes...yes I think so. I've become aware of this even more so since this was compiled sometime back.

There are hardships, I think, imposed upon the rural people because of the structure at the present time.

MR BECKETT: The hardship you mean is...?

MR COOK: Taxation, yes.

MR COOK: Do you think it hurts the farmer in particular?

MR COOK: Well we must combine the two-I mean to be perfectly honest, we certainly see his problem, but naturally the very reason for this stems from our own personal knowledge, and this is that of a small city- that's most apparent to us, but I think it is quite clear also, that urbanization in a sprawling manner seems to creep out into rural areas- this may be under the subject of planning- and so I might as well include the two while I'm speaking on it...

MR BECKETT: You were a member of Simcoe County Council? (yes) Do you see any relief for the farmer on taxation on the urban sprawl, as you have put it? (how) Well where the farmers had to pay extra taxes, for instance for schools on account of the...

MR COOK: The school is a place where it would affect the farmer as urban development is creeping close to him within his township; and there is a large or further demand for education, which apparently there is no escape from for him.

MR BECKETT: Should he receive some consideration in that regard?

MR COOK: Well the basis of this...I don't know whether to go that far or not- the basis of our observation is that a clear demarcation between the two. I think I will stop somewhere there and the farmer ought to speak for himself. Not having sat on a rural municipal council, this is a matter of me not wishing to analyze his views; I can only emphasize what my knowledge is in the urbanized structure, and we are aware of this and of other problems he must have. Maybe Mr Gigg has something to say on this.

MR GIGG: Of course on the other side of the coin, there are many municipalities which are actually urban in character, and the legislation is in their favour to remain in such a classification; in particular, in the grant structure; and they are rural only

by name; in character they are urban, and this of course, if there is equality within the grant structure, is at the expense of the other urban municipalities.

MR COOK: The second one is planning. (reads, para 3) "Where an official.....a 10 acre parcel." It seems that this type of development comes because of what has taken place in the part or certain areas, probably an industrial section of an industrialized area or urbanized area, and then this sprawl takes place after that. Now this of course is not aimed to deter any healthy development. Quite often what happens outside the boundary of that city is a most unhealthy development; and sometimes a reluctance to move forward progressively in planning, and to just reach a happy arrangement between the two is rather difficult; but something like this then might put some teeth into it where the interested groups of the-one common thing they'd have to resolve and that's this limit; and then if there is any sincere desire for a development, then it would require planning, either....

MR EVANS: Regional planning?

MR COOK: Well I'm always in favour of regional planning.

MR BECKETT: Well would there have to be some system like that...

MR COOK: This is not to go that far really; I would like to go farther and say three miles, but I will stay with the one mile.

MR MORROW: Why not just stop at the end of it until an official plan covers such areas, and leave out the "or", the alternative.

MR COOK: Well if there's action and direction..

MR MORROW: We've had a delegation in here that's opposed to the ten acre; they think that's a bad set-up.

MR EVANS: I think, Mr Chairman, that most of the delegations were talking about regional planning, which would cover probably a whole county, and maybe a little more.

MR THOMAS: Well Mr Chairman, it seems that there

has been a problem around Barrie way; what is the attitude of the surrounding municipalities to a regional planning board in that area; are they receptive to the idea or not?

MR COOK: I think in theory there is general acceptance, but there is often a reluctance because they feel they're afraid that dictatorial power is going to rob them of what they call autonomy, and I will stand with them at any time if there is a real danger of any loss of autonomy that is important. But I don't think this is a real danger; but I think in the minds of some townships, it is. I think probably the full impact and the need of planning isn't always grasped. Sometimes, I think, in our townships, meaning well, they see the short range opportunities for one kind of pigglewiggley or to allow certain types of pigglewiggley development which seems to look like increased assessment and taxation, not realizing that....

MR MORROW: They're losers.

MR COOK: Yes, yes. And I'm afraid there's going to be a lot of this in the next few years and we're going to be taking up redevelopment schemes and it won't be downtown area slums either. We thought this might be possible.

MR BECKETT: You suggest then a joint planning board?

MR COOK: Yes, our thought is that regional planning should come into being and have teeth behind it. We had a fear that probably this would be something that would be a step in that direction with the idea that regional might be a long way off. The principle of it is there. They just won't get down and do it; they'll discuss it and it can run into political impasses and that is the end of it locally.

MR BECKETT: Has Barrie an official plan? (yes)

MR THOMAS: Would it be helpful if the provincial government offered some inducement to set up a joint plan?

MR COOK: I think so. I'd like to see it encouraged at these local levels. I'd like to see them take their interest, and I don't think it would be good if something was set on; I think the people fear that something will be set on without regard for their local wishes, and what they think is in the interest of the

local people; but the regional planning, to accomplish an orderly development of an area which is actually local, the local people must be considered and consulted.

MR BECKETT: I dont suppose any of the areas around Barrie have official plans.

MR COOK: I think there is one township. The county, I believe, has set up a body and there has been receptance of our suggestion...I made one myself to our own planning board in favour of regional planning and encouraged any of our people that were in relationship with the county to go forward in this direction. But I have felt indications down the line that this isnt going to meet with acceptance in the places where it finally should, and there is going to be no orderly development.

MR SINGER: Well who's going to protest what?

MR COOK: This goes back...I think it came out of a regional planning...However I also point out, I think there are problems with getting agreement locally for it. But this would be a step which would seem that no building be permitted within one mile in the adjoining municipality unless an official plan covers such an area. Then of course, if there is going to be building developed, they will have to plan it in an orderly manner, and then there is not the objections.

MR BECKETT: How about planning from a county standpoint which would encompass the City of Barrie too?

MR COOK: Well this is a form of regional planning.

MR SINGER: But you say there are local objections-you dont mean a citizen objecting but members of the local council?

MR COOK: That's right...now there has been no official objection, but this is the feeling that you're running into.

MR SINGER: Would it be fair to say that really you cant anticipate regional planning unless you have regional government?

MR COOK: I say it might be.

MR BECKETT: What would you say about conservation authorities tied in with planning, where you have water sheds to be

to be considered, especially storm sewers. You do have a sewer system?

MR COOK: Yes we do. That question is going to come out next in our submission. (continues, item 3) "Garbage Disposal.....be used." Now we are fast running out of land for use for this purpose. We have been as understanding as we can with objections when previously we were not able to acquire or to use areas in an adjoining township by arrangement or in one case through application for annexation. However, we, and I'm sure this is a general thing and would apply to the municipalities, there is a diminishing area that can be economically used for sanitary landfill. (reads) "It is recommended.....affected municipalities." This would seem consistent because right now if any of the adjoining areas have drainage or sewage problems...I understand OWRC could establish who is going to take what and treat it and the arrangements etc, so that that municipality could be called upon to do that; and it would seem that the reverse should hold where this garbage is developed in such large amounts and you can't go out and use an area, and space is what you need even with the well accepted sanitary landfill method; and I would go further and say that even a development on such a large scale would be much less a public nuisance than some of the small dumps that are used in townships that are not sanitary land filled.

MR MORROW: What would it cost you to build an incinerator?

MR COOK: It's very costly-Mr Gigg might have some figures, but they are very costly.

MR BECKETT: We've abandoned our incinerator in Scarborough-it's all landfill and then use it for parks.

MR SINGER: We have a joint incinerator with York Township for a number of years, but its use is lessening. We are into the sanitary landfill. (chit chat) There's a big one you might have observed that is going on right now that Metro is doing in the Don Valley Parkway in East York to save those houses that are going to fall into the ravine. That will go on for about 6 months in a year. It's far more economical than an incinerator. (chit chat)

MR COOK: Another thing outside an urbanized area you can pick land which is useless or less useful, and with adjoining banks of sand, you don't have to haul sand through your urban area. and we too, have found from our own experience, we are now using for sanitary landfill within the City of Barrie, areas that are right adjacent to homes. And I must say they are people that would be picky if this wasn't working well; so we think we've tested the acceptance of what the public thinks of it, and we have found no objections whatever. (chit chat re different methods) But that is not sanitary land fill-just dumping garbage and filling it with earth.

MR EVANS: I think, Mr Mayor, that you proved the point to a lot of municipalities around in fact with the success of your landfill operation at the present time. (chit chat re methods)

MR COWLING: One of the big advantages of landfill is the elimination of air pollution and the odor and the smell of burning garbage.

MR TAYLOR: But there is one problem that has to be watched, drainage. (yes) And I know an instance right now where quite elaborate acetylene tanks and so on are being designed to settle the effluent, so that it's acceptable to our standard; because of the percolating waters in the type of soil where this garbage is being dumped, it's caused quite a problem that wasn't anticipated. I think you have to be pretty careful of the area before you undertake such an operation.

MR GIGG: One of the problems in the City of Barrie was that the only place we had was quite adjacent to the creeks and while we put up a clay burn according to the OWRC specifications, we were crowding these creekways in. Now we are crowding them into the creek banks; and while we are not anticipating any pollution from it, eventually we are taking away from the storm drainage system this natural reservoir; now we will be into a program of having to increase the size of the culverts under the track and under the roadways because we're going to lose this reservoir; we're going to foster run offs, and we have no place to go with the garbage. So we have to use these places and keep them confined in from the water courses.

MR COWLING: Have you ever considered dumping out in the middle of Lake Simcoe? It is a huge body of water.

MR GIGG: I dont think the OWRC would take kindly to that.

MR BECKETT: Where does your storm water go?

MR SCOTT: We have a program on that now which we are trying to accelerate as rapidly as we can, unless there is a pollution problem; but we have a three year trunk sewer plan, a secondary treatment plan and a plan for retreatment of industrial waste.

MR COWLING: Does it go into Lake Simcoe?

MR COOK: Well the final effluent does, yes; but the oxidization action around Fulca Bay is certainly limited, and we have to be careful what...we've got to get this down to an acceptable limit or if we overload that, the effect could be stunted...however the people are happy with the fact that council is moving forward. We've had a big intercepter sewer put in and we're concentrating first on this three year sanitary trunk sewer plan, which our theory is to get all the sewage that is being discharged from the place now into the system. The second thing will be retreatment of certain industrial waste, to bring it to an acceptable standard so the secondary plant can take it, and since we now have a primary plant, we're moving forward to the secondary treatment. These three steps are all part of a major plan for what we call, Clean up the Bay, and we're hopeful of having a recreational area.

MR COWLING: Incidentally talking about the garbage in Lake Simcoe, was that discussed with the OWRC? (no)

MR THOMAS: Wouldnt that be a federal matter?

MR BECKETT: It certainly would come under federal when it is navigable waters.

MR COOK: I almost think I couldnt agree with doing that; it seems rather revolutionary to me.

MR COWLING: This is done.

MR BECKETT: It's done more in oceans.

MR COOK: Yes but the stuff that would float to the shores and.....

MR SINGER: Nobody dumps in Lake Ontario (chit chat)

MR COOK: With our request in this item 3, I really hope you wont consider that.(laughter)

MR EVANS: Well Barrie has its problem up there because actually in the annexation, they werent allowed to take as much land as they anticipated, which results that they have no land for garbage disposal. If the annexation had gone through, they had, I understand, a place for this operation.

MR BECKETT: Mr Evans here in the Metro area by agreement the municipalities are working one with the other.

MR COOK: Well we feel it needs something because we have tried to work it out, and I daresay that Barrie's experience over many years is not good. I grant you that land fill was an untried thing and I think everybody just went out to the big valleys and dumped until the townships got tired of it. And I dont blame them for being tired of that kind of thing, but this is of course not what is suggested, and we think it should meet with some sympathy-a thing like this. There's one more, I think, from their point of view; one of the things in fairness to the townships, we do mention the setting of a minimum standard of operation, and that might include the means of getting it there and I think there could be objection to the use of their roads while it is getting there; I think it's only fair to say the minimum standard would have to include the responsibility for properly covered vehicles and things like this. We dont have it on our city streets, and I dont see why it should be a problem on their roads. We dont have garbage over our streets as the result of trucks taking garbage to the sewage disposal plant.

MR THOMAS: Do you use the sanitary vans?

MR COOK: We have but then private individuals, they too...we're pretty strenuous about what they do.

MR BECKETT: Is your garbage collected by a contractor? (yes)

MR GIGGS: As far as the city collection, this is all done by sani-van; and any individual going to the dump must have a tarp or they wont let him in, so everybody is co-operating in this.

MR THOMAS: When did you agree to have your garbage collected by a contractor?

MR COOK: The city has never had trucks.

MR MORROW: Do you find this more economical to operate by contract?

MR COOK: It's very satisfactory because there is the competitive element and the fellow is always mindful that he may lose the contract; this keeps him on his toes and the price is economical and we get a good high standard because of what's at stake. We get pretty good activity when it is up for tender.

MR BELISLE: Does he tender for one year or three years or what?

MR COOK: Well it has varied, but five years I think.

MR THOMAS: Then you've never had an opportunity of comparing the cost....

MR COOK: Well in other municipalities for the capital we have...and...well our record is quite good. (chit chat re Ottawa contract)

MR GIGG: The various returns by the the OFM shows the City of Barrie has the lowest operating...the lowest per capita in Ontario.

MR COOK: Mr Chairman, Item 4, Welfare Services, I'm going to ask Mr Gigg to enlarge on this one, but I'll read it. (reads) "At the present time.....Child Welfare Act."

MR GIGG: Mr Chairman, as you know, the various statutes, as you get into them, one will have 9 months qualification and another will have one year; some will not spell out what is constituted and another Act will say 20 days; and the basic thinking on welfare is that there should be an overall qualifying factor in there rather than having the individual Acts tell what it is. Quite often, administratively at least, you will be working on a certain specific item and you will define a certain qualification, and then all of a sudden it will dawn on you that you're under the wrong Act.

MR BECKETT: What would you suggest as to time?

MR GIGG: Well it doesn't matter as long as there

is uniformity to it. I think there is a lot of wasted time administratively remembering which way it applies.

MR BECKETT: Every Act is different?

MR GIGG: Well I wouldnt say they're all different, but there is certainly a large variable there.

MR MORELOW: Is that mentioned, Mr Chairman, in our other welfare submissions?

MR BECKETT: No. Well what do you think of welfare from a larger unit for administration for a local unit, say from a county standpoint of welfare administration. We had the Deputy Reeve from Newmarket here and York County Council passed a resolution to have welfare administered by the county council...now Mr Hoover is here and he is a member of Markham Township Council....Mr Hoover, would you like to say a word on that?

MR HOOVER: I can only give my own opinion. In the Township of Markham, our relief costs have been lower according to the proportion than other municipalities in the county and I think the Members here can understand why. I dont favour county assessment.

MR BECKETT: What's the population of Markham Township? (13,400) What's the population of Barrie?

MR COOK: 22,000 or 26,000 something like that before the city was redesigned.

MR THOMAS: Do you have many persons on public welfare?

MR COOK: Actually no we havent.

MR GIGG: As far as the City of Barrie is concerned our total dollar cost in welfare is less than some municipalities of a smaller population; and we like to pride ourselves that we have at very well...application of all welfare. And I would be rather concerned about turning it over to another body that would be large and we would only be paying the welfare. I'd like to have a say in the administration of the application of it. There are spots in a county say, the County of Simcoe, where you get...where the costs....

MR EVANS: The north end of the county? (yes)

MR BECKETT: As a matter of information did Barrie

find it more efficient to be a city or to be a part of the county?

MR GIGGS: Yes, oh yes. Economically I'd say this that planning wise, we have been able to maintain the same tax structure for municipal purposes since we separated from the county.

MR MORROW: You've lost grants though.

MR GIGG: Oh yes, we've lost some but we have uniformity; and I think it's something like getting married- are you better off after you're married? (laughter)

MR BECKETT: But in spite of losing grants, you've been able to maintain your tax rate? (yes) Are you able to control your school board too?

MR COOK: We work on it. (laughter)

MR EVANS: Well Mr Chairman, you should tell him the idea the counties gave us yesterday where the government should take all the industrial assessment and pool it and then then pay the school costs.

MR BECKETT: What would you think of that?

MR COOK: I'd want to take a long look at that.

MR THOMAS: I think most of the cities will too.

MR COOK: I dont think that is our only problem we all want industry and we want to attract all kinds of development.

MR MORROW: This would stop all the struggle for them though by each municipality and it would be pooled over the whole area; then one municipality wouldnt become the bedroom for the places that have all the industry.

MR COOK: But dont we want to move towards the solution that makes our free enterprise system more workable than stripping it of the things that create a spirit of competition; you would be taking the spirit of competition out of this, and we would then rapidly move to some form of welfare.....

MR SINGLR: What spirit of competition are you talking about? (all talking here) this does harm in many cases to the residents. Surely it's of greater advantage to an area to have an industry than it is to have Barrie fighting with Brantford for any

particular plant.

MR COOK: If a municipality is looking at an industry without regard to any effects it will have, why some area that is not urbanized...they sometimes look at some residential development without any interest of its effect. And this is the responsibility that I think a municipality must maintain at all times, to be sure that they're giving due concern to what they're asking for when they seek industry. But I thought of another suggestion..the industry would be given direction as to where it would go through application to the crown(?) (right) Now this to me doesn't seem right; I think it is a very healthy attitude in a municipality when it has some responsibility to go out and get industry. It puts the man on the street in the place that he's selling his city and we try to foster this in our city that it's important to make an impression on people who are coming to our city, do you like living here or don't you; if you don't, tell us; and if you do, tell the visiting people. This type of thing which makes people plan and choose to go to City A rather than to City B; and we've got examples, where industries made these checks simply because of this initiative on the part of...going right down to the citizens....

MR THOMAS: Do you have an industrial commission?
(yes) Full time? (yes)

MR BECKETT: What is your industrial assessment in percentage to your total?

MR GIGG: Between 8% and 9%. This is straight industrial.

MR BECKETT: Combine your commercial with that.

MR GIGG: Well it's about 36%, just under.

MR BECKETT: Well then it's 40-60?

MR SINGER: You're in a pretty good position and I suspect that some suburban municipalities on your outskirts are not in that good position.

MR GIGG: Well this is our basic concept of the whole thing that if industry, to be fair, that industry is an urban function; it is not a rural function. Therefore if your planning is

correct, we would not get that suburban sprawl in the townships and there would not be any problem. If an industry is an urban function then everything associated with it, if it is confined in the urban municipality, then this rural sprawl stopped....

MR SINGER: You're going to have some kind of sprawl because the more industry you have, the more people you have, and they have to be housed and the more children you have going to school.

MR COOK: That's our first recommendation that a line of demarcation be made as to what is urban and what is rural, because the function of rural, is it not to have proper atmosphere and conditions for agriculture. And no matter how city minded a man may be, he's very conscious of the fact that this is basic. So that the rural basic development is agriculture and some light development; whereas industrial is part of an urbanized development, and that's getting back to our Brief.

MR SINGER: You're talking about something bigger than the present municipal unit; even in the case of demarcation, you're talking about an area that would be delineated. (yes) Because you're not going to be able to contain industrial development in the core.

MR GIGG: No, no; this is why we think there should be a buffer between the two, so that as the urban municipality grows, you have the rural barriers around you that you have to break through where probably there was a lower standard per house than what is imposed in the urban. Then you'd have to break through that in order to get into new land and all you're doing is compounding the problem.

MR SINGER: We're talking about a much bigger area--that some people call a region. Now you're not just talking about the 1000 municipalities that are tied into their present boundaries.

MR COOK: No, but isn't this the problem that many of our municipalities have, that socially and every other way, the city or the town goes further than the political boundaries, and suddenly, because here's the town and here's the township--this is for many reasons called a rural and in character is not.

MR SINGER: The one word that has come before the

Committee frequently is "regional planning;" and what goes along with a regional government so that you take a whole area which could be your urban.....then it really doesn't matter where your industry locates in that region; it could be located according to planning principles for the region for the benefit of the whole.

MR BECKETT: Arent you still part of the County of Simcoe for certain purposes?

MR GIGG: Yes, by agreement. There are some sections-important sections- such as the Dept of Justice and such things....

MR BECKETT: Secondary education?

MR COOK: No, our town or rather Barrie District has representation, but more particularly the municipality actually remains within the district. Now this Item 5, the Administration of Justice, (reads) "In districts, the full cost..... would not be a tax levy."

MR BECKETT: Supposing you were still part of the County of Simcoe, what would it be?

MR GIGG: Well we are by agreement on the administration of justice. This is mandatory as it would not be an economic gain for the administration of justice to be set up all over...in a city the size of Barrie. But in districts within the province, the unconditional conditional grant, that's the way I always refer to it- they get \$1 less than we do, but the province pays 100% of the administration of justice. When you get into a county area, even if you are a separated city, they give you \$1 per capita; but then you must pay the administration of justice. Now what we have here is basically a 1 mill levy on the people in the City of Barrie for the administration of justice; whereas the City of Barrie, if it had been in the District of Muskoka, say-right next door, this 1 mill levy would not have to be made because the province would be paying the full administrative costs.

MR EVANS: In other words, you feel that the government should pay 100% of the costs of the administration of justice.

MR GIGG: Yes, Sir.

MR MORROW: You see in places like Barrie where

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the people have the ability to raise taxes, they can afford to pay it whereas Muskoka cant.

MR GIGG: Is it not an inequity to take and pay a 100% bill some places and turn around and make an imposition- the people are still paying the provincial money; it doesnt matter where it comes from, and from your little illustration, I presume that the population in Barrie or any place in counties are still paying the same for.....

MR MORROW: I notice you run 50-50 here and I thought the grants were about 90% and the balance of 10% to the municipality.

MR THOMAS: Well Mr Chairman is it not true that the provincial government rebates to the local municipality some portion of the fees collected?

MR BECKETT: Oh yes.

MR GIGG: No.

MR BECKETT: You get something back, dont you?

MR GIGG: Not from the adminstration of justice.

MR THOMAS: I thought they did.

MR GIGG: Not unless it's the \$1 grant.

MR THOMAS: No you get the \$1 grant, but I thought there was a rebate from the provincial government of fees collected in the area- a percentage of them.

MR GIGG: No, what we must do is to supply administration of justice for the City of Barrie and the only place where you have any revenue is from the magistrates court where the magistrates's costs are deducted from the cases developed within the city and the net is returned to the city.

MR BELISLE: Do you collect, for example, on the highway for fines....

MR GIGG: No, this is strictly provincial.

MR BELISLE: The cases are held in Barrie?

MR GIGG: Yes, the court is set up three days a week for city cases and the other two days for provincial.

MR BELISLE: And you dont collect any of that? (no)

MR BELISLE: Your own police force doesnt supervise any of the court. (no)

MR EVANS: But you supply the court room? (yes)

MR COOK: Mr Chairman, this covers the points we have in our submission...

MR BECKETT: But you're not restricted to that; you may proceed with any other statutes, assessment for instance.

MR COOK: Mr Chairman, I would like to say these points were approved by council and I think I would like to confine myself to this subject; but I have a few personal thoughts, and you've already said assessment, but...

MR BECKETT: The press is not here this morning, Mr Mayor, we dont want to embarrass you but if you have anything....

MR EVANS: I would like to ask if he would give us his viewpoint on business tax.

MR BECKETT: It would be very interesting. Have you any figures, Mr Gigg, as to the amount of tax from business, retail merchants and the different percentages of assessment.

MR COWLING: What do you pay on your business, Mr Mayor? (25%)

MR MORROW: You have no distillers up there paying 150% (no)

MR BECKETT: Supervised parking lots only pay 10%; wholesalers pay 75%.

MR COOK: Well this seems to be an inequity somehow because these people seem to be losing their...they're struggling like a lot of other business today; I'm not in the wholesale business, so I can take some liberties and go to their defence; maybe the formula is outdated and I think there was a time this was a pretty lucrative business.

MR BECKETT: Could you get along without a business tax at all?

MR COOK: We need all the revenue certainly and wherever it comes from, I'm sure of that. I wouldnt take a gamble unless we had something else to take its place.

MR BECKETT: What about polltax?

MR COOK: Well on this whole thing, doesnt it take us into the field...no doubt you've had submissions from the Ontario Mayors and Reeves and the Federation of Mayors (yes) and this desire to see a review of this whole thing; I'm very much in favour of such a review. I think that we've arrived at a place where our applications-they are the best we have but circumstances have changed so radically that maybe we ought to take another look at the whole situation. To begin with the real estate tax...the ownership of real estate is not really a method of determining a man's ability to pay. On the other hand we can continue to tax him on his ownership of real estate, and I think there should be other sources. I cant see the answer lying right within business tax or poll tax; I think the whole thing needs a very broad look, so that responsibilities are defined with the various levels of government, what the responsibility of the federal is, and the responsibility of the provincial is, and what the responsibility of the municipality is- a whole new approach to this it seems to me is what we need. Because we can go to limits beyond what real estate tax can really afford; we can ruin a man with our ability to tax him today. Let me take the two extremes, one being the industry and its guages for its production purposes, its taxation; then this can be at the whim of some council which might not be conscious at all of industry but this can happen. We have all seen men sitting around the same table who just seemed to think that industry or business of some sort was a tap that can stand any kind of pressure; and this happens in small councils, and it's frightening sometimes what an attitude can do if it were allowed to go unchecked; so that business itself cannot always adjust; it cant always pass on in this highly competitive age, where the ability to tax them on their real estate does not run hand in hand with their ability to adjust in their operating costs. Then you go completely to the other side; and I am assuming about a big industry, and we'll weigh it on the other side with a man who provided in an earlier economy his home, and he provided the best he could and was in no way...he did not lack dilligence and prudence, but he has a home and now with the limited income or pension

1. The first part of the paper discusses the importance of understanding the underlying mechanisms of the observed phenomena. This section provides a comprehensive overview of the current state of research in this field.

2. The second part of the paper focuses on the development of a new theoretical framework. This framework is designed to address the limitations of existing models and provide a more unified understanding of the system under study. The authors present a detailed derivation of the new equations and discuss their implications.

3. The third part of the paper presents the results of numerical simulations. These simulations are performed using a high-resolution computational code. The authors compare the results of their simulations with the predictions of the new theoretical framework and with experimental data. The results show a very good agreement between the theoretical predictions and the simulation results, which validates the new framework.

4. The fourth part of the paper discusses the implications of the new findings. The authors argue that the new framework has significant implications for our understanding of the system and may lead to new discoveries in the future. They also discuss the potential applications of the new framework in other areas of research.

5. The final part of the paper is a conclusion. The authors summarize the main findings of the paper and reiterate the importance of the new framework. They also mention some of the limitations of the current study and suggest directions for future research.

which cant be adjusted, he's at the mercy of us fellows who sit around a table in our councils and can assess this man because we consider his real estate represents some value; but again it doesnt necessarily represent his ability to pay. And this, I think, is reaching proportions that none of us are expert to know what effect we are having; I think we are coming closer to the place where we are putting a lot of citizens, who intended to live out their lives independently, we are thrusting them into all sorts of senior citizens institutions, simply because they cant continue to keep pace with us; and then the municipality will have no other choice but to keep hitting them with increases.

MR BECKETT: Do you have many apartment houses in Barrie?

MR COOK: Quite a few, yes.

MR BECKETT: What do you think of putting a business tax on apartments?

MR COOK: That's an idea.

MR EVANS: And a business tax on plaza parking lots.

MR BECKETT: Do you have shopping plazas?

MR COOK: Yes we have two-one is a plaza and the other is shopping, but of the same nature and two locations.

MR BECKETT: There's no business tax on that...on the parking part of it; and yet we had tourist operators here yesterday where they say that on swampy land, it's included in their business tax.

MR MORROW: Yes and on the part they occupied and the sleeping quarters occupied by their staff which had to be supplied because of the remote area.

MR COWLING: Mr Chairman, on the matter of taxes, I was at a luncheon yesterday, and we got on to the subject of taxes-it seems to get there sooner or later. And I said: What are we going to do, Mac? What's your answer? We need more money; the people demand the services- at least we think they demand the services-they want more for education and more for municipal affairs and more for welfare. Well, he said, There's a simple answer to that; cut down on

the spending-how's that, Tommy, let's cut the spending and make it easier for these people with fixed incomes to navigate.

MR SINGER: What are you going to take out of the budget?

MR COWLING: I didnt ask him that; it was generally over the whole picture.

MR BECKETT: Mr Mayor, I dont think we've had, in all our Briefs, I dont think we've had any constructive idea on what Mr Cowling says; they're all stretching out for other sources of revenue. As a matter of fact, we had a Brief that suggested, and this has been suggested for years, that you set up an office in downtown Toronto and you make your bets for the racetracks.

MR COWLING: And I'm not relieving our government of all responsibility; we're spending it the same as everybody else. I wonder if the time has come to just stop spending and take a look.

MR BECKETT: Take a breather.

MR COWLING: Are we spending the money in the most economical way we can. Where will we end on this taxation?

MR COOK: Does it touch on...I was mentioning there an assessment of the whole picture...if you cut down...

MR COWLING: What I was going to say, Mr Chairman, how long is it going to take the federal, the province and the municipal people to get together and decide on a tax base; that is something that is away off the picture. Maybe the time has arrived for us to do it, but who is going to do it? Who is going to organize it...such a massive thing as that. It's dandy to say it and it always makes the papers, but to my mind I think it's off about 50 years.

MR THOMAS: Well we might get some fresh leadership, Mr Chairman, with a change of government.(laughter and chit chat)

MR BECKETT: Everything revolves around the question of assessment and taxation.

MR THOMAS: When your program of annexation was completed, how many acres did you have?

MR COOK: We took in 2600 as a total; we were 1300 and we ended up with 2600.

MR BECKETT: From whom did you take it?

MR COOK: Bathboro and Minesing Townships.

MR BECKETT: Did they suffer?

MR COOK: Well I dont think they suffered.

MR GIGG: We're in the unfortunate position that we now have to go back for more. (all talking)

MR THOMAS: How long have you had a City Manager?

MR COOK: Since 1959.

MR COWLING: Do you think that's a good idea?

MR COOK: Yes, we think so. (laughter) Yes we do think it is a good idea and I would tell you so if he wasnt here.

MR BECKETT: Dont you think that annexation is an argument for a larger unit for administration? Do you think it's fair to take parcels of land, say 2600 acres or 1800 acres from those other municipalities for your benefit?

MR COOK: Well is it ours or is it the best way to resolve the problem that's there in that area? If we didnt, I dont know how touchy this might be, but if we didnt and they urbanized something on the edge of Barrie-this area is becoming urbanized-it's going to be...we're not annexing it for any other reason except it becomes part of the urbanized area or is becoming part of the urbanized area. Now this is what I dont know...this metropolitan business to me is...well having been born here, I remember when Toronto annexed areas which over the years now is part of the problem. If we dont would we have to look forward to little wee metropolitan systems with an urbanized separate on the edge of Barrie...I think...

MR BECKETT: What's wrong with that?

MR COOK: Well there's a multiplicity of the services; is there not and...

MR COWLING: Well that's what the metropolitan form of government is supposed to remove, the multiplicity of services and put it on a proper basis.

MR COOK: Well we seeking to do this now instead of waiting until these spring up around and then have to be amalgamated or brought together later; is it not the same?

MR COWLING: The same, yes, except that it couldn't be done that way in Toronto, because the other places existed; but if you are catching them before they start, I think that's all right.

MR BECKETT: I don't think it's the same movement at all, because you just slice the township right in two. What services do you provide for the benefit of that township that doesn't come in?

MR COOK: Well we're back to our first point of the difference of what is urbanized and what is rural. If that urbanized development is going to take place, then if there isn't something done, and it is left in the township which is partly urban and partly rural, it's going to impose a hardship on somebody; either it is going to penalize the agriculturists, because it's going to be dominated by urban planning and development. And if this is allowed to go on inside a rural structure, it is probably going to lack a lot of proper planning. This becomes a reality because of these little short range things that are happening. Any urbanized area is faced with responsibilities along this line every time it takes a short step. I think this rather faces them immediately; whereas a township, I wonder from what I see around us if they ever have thought, because they envisage what happens if they start urbanizing parts of their rural township.

MR BECKETT: But you wouldn't have taken any land in unless it was of advantage to Barrie.

MR COOK: How do you mean advantage to Barrie?

MR BECKETT: Well why does a municipality want to grab off a chunk of another municipality if it is not to their advantage?

MR THOMAS: Well sometimes, Mr Chairman, there's a problem of drainage and services there, and the people in the area request annexation.

MR BECKETT: The city council of the City of Toronto in 1934 or '35 passed a resolution that at no time do we want to take any more property because it is of advantage to us.

MR MORROW: That's when welfare costs were high.

MR BECKETT: Maybe things were high, but they didnt want to take advantage of any other municipality.

MR COOK: But what if you need land for your industrial extension?

MR BECKETT: Therefore it's of advantage to Barrie?

MR COOK: Well that may be so; but isnt it an advantage...I always try to look at this as being an advantage to the immediate area. I havent felt that when we asked to annex a part of a township, that we're imposing something on them that is working towards their doom. Maybe the urbanized development has expanded; and maybe the township is going to be a small rural area, but possibly another step the township may become part of another township that is adjacent to that, which is rural; but our point is what is urbanized and what is rural. And what we're seeking to do now- if we dont do it, it may later become very costly to do, by allowing an unplanned development going on around the edge of the city.

MR BECKETT: When you stake out a couple of miles, just over that border another development starts; do you make any special provision for servicing that other fringe benefit, that other area?

MR GIGG: This is the basis, I think of the whole concept of making a buffer around the urban municipality. And if the rural municipality is going to stay in a rural function, then they should not try to urbanize it; and Barrie is in a perfect position to show it. We had land approximately $1\frac{1}{2}$ miles or 2 miles from the bay. Now if the rural municipality keeps developing into an urban municipality, all their troubles where they have no sewers, drainage and everything else, it goes right through the heart of the city into the bay. Now if there was a buffer there and this thing was protected until the services were developed out there, then you would not have these problems developing; and you would have much better use of land because when you get into wells and septic tanks and that, you have to double the area of the lot to protect the health and welfare....

MR BECKETT: You're going to tell the man on the other side of that buffer that he can only use his land then for

agricultural purposes.

MR GIGG: Correct.

MR MORROW: The situation in Ottawa when we developed the green belt around the whole city, sometimes as much as 5 miles; and you'd have them jumping the green belt and they started on the other side again.

MR GIGG: The trouble about the township, if they want to turn urban, then they will have to face a problem; but when they do that, they are creating problems for the urban municipality as they go through natural growth, they still have this buffer in which to expand.

MR COOK: They're faced with some real problems and if they make a decision and consider all the consequences at that time rather than it be a creeping thing.

MR BECKETT: But that couldn't happen around Metropolitan Toronto; Steeles Avenue is the boundary line-what we call the Mason-Dixon line; and there is Mr Hoover from Markham Township bordered on the north side of Steeles Ave; but you couldn't take Markham Township into Toronto.

MR GIGG: But they would have their own individual problems; it would not be affecting the Metro area.

MR SINGER: It's bound to affect the Metro area; because people living in Markham are going to be working in Metro Toronto. And they're going to say: We have all these people living here and we have no water supply. And you're on Lake Ontario and send your water pipes into our municipality.

MR GIGG: Exactly.

MR SINGER: You can't just draw a line and say beyond this line no development will take place; we tried that once and it was a dismal failure.

MR BECKETT: I don't think you can stifle development.

MR GIGG: No, but if you put the buffer there, it will help the rural township as well as the urban development.

MR BECKETT: Well Mr Mayor and Mr Gigg, we appreciate

you coming and stating your problems.

MR THOMAS: Mr Chairman, there's one question I would like to ask the business manager; did you have a survey in your administration made before you appointed the business manager?

MR COOK: To what extent do you mean?

MR THOMAS: Did you have any company come in before he was appointed and make a survey and recommend this?

MR COOK: He was Comptroller-Treasurer before this and now we have had the opportunity of testing the both systems and we feel that as Barrie is a small city, it nevertheless demands a lot of time and attention which is difficult to obtain. We don't have a Board of Control in Barrie and our committee chairman are not involved in administration; if they are, they're not supposed to be; they concentrate more on policy and....

MR MCNEIL: What is your assessment? (\$25,000,000)

MR BECKETT: And what's the basis of your assessment? Is it on a 40% basis or 35% or the 1940 value plus a percentage?

MR COOK: I believe it is one-third actual value.

MR BECKETT: What would you think of a planning board done by a committee of council?

MR COOK: I think there's merit in that.

MR THOMAS: How about your planning board; do they function well? Your present planning board?

MR COOK: Quite well. Personally I favour a committee of council with a qualified director handling it.

MR BELISLE: What do you think of your school board being elected or appointed?

MR COOK: I feel it should be elected.

MR BECKETT: Well thank you again, Gentlemen.

